

# Middlesex University Research Repository

An open access repository of

Middlesex University research

<http://eprints.mdx.ac.uk>

Goodman, Anthony (2000) Probation into the millenium: the changing features of community justice. PhD thesis, Middlesex University. [Thesis]

This version is available at: <https://eprints.mdx.ac.uk/6721/>

## Copyright:

Middlesex University Research Repository makes the University's research available electronically.

Copyright and moral rights to this work are retained by the author and/or other copyright owners unless otherwise stated. The work is supplied on the understanding that any use for commercial gain is strictly forbidden. A copy may be downloaded for personal, non-commercial, research or study without prior permission and without charge.

Works, including theses and research projects, may not be reproduced in any format or medium, or extensive quotations taken from them, or their content changed in any way, without first obtaining permission in writing from the copyright holder(s). They may not be sold or exploited commercially in any format or medium without the prior written permission of the copyright holder(s).

Full bibliographic details must be given when referring to, or quoting from full items including the author's name, the title of the work, publication details where relevant (place, publisher, date), pagination, and for theses or dissertations the awarding institution, the degree type awarded, and the date of the award.

If you believe that any material held in the repository infringes copyright law, please contact the Repository Team at Middlesex University via the following email address:

[eprints@mdx.ac.uk](mailto:eprints@mdx.ac.uk)

The item will be removed from the repository while any claim is being investigated.

See also repository copyright: re-use policy: <http://eprints.mdx.ac.uk/policies.html#copy>

**PROBATION INTO THE MILLENNIUM: THE CHANGING  
FEATURES OF COMMUNITY JUSTICE**

**A thesis submitted to Middlesex University in partial fulfilment of the  
requirements for the degree of Doctor of Philosophy**

**Anthony Harvey Goodman**

**School of Social Science**

**Middlesex University**

**September 2000**

## **ABSTRACT**

This thesis briefly examines the changing nature of punishment in England and the origins of the probation service. From its religious roots probation became a professional organisation, probation and social work shared the same qualification. The 1960's was the golden age of the treatment ideal, case work techniques were employed to work with offenders on their problems, which were seen as being located in their life experience. The service expanded taking responsibility for prison welfare and offering support to prisoners on discharge.

Optimism in the ability to reduce reoffending waned in the 1970's, although probation officers had almost total autonomy. Seniors offered supervision and carried small caseloads themselves. In 1984 the Home Office set priorities for the service and with the threat of 'cash limiting' made it clear that management had to co-operate. Reports from the Audit Commission and the National Audit Office continued the drive for stronger management as well questioning the relevance of social work. The Criminal Justice Act 1991 introduced the notion of 'just deserts'.

My interviews with informants highlight these tensions and pressures. The 1992 and 1995 versions of National Standards for the supervision of offenders changed the nature of probation to one of administering punishment and this is considered in depth. The service has become stratified, with low morale as officers adjust to a risk focused, more punitive and highly regulated organisation. Notions of actuarial justice, case management replacing

individual case work, and the use of set unchangeable programmes with offenders are evaluated. Links with social work ended in 1995 and the change of government has not affected moves to turn probation into a correctional agency. Probation remains a political issue and its future is located within contemporary thought on the changing nature of community control, particularly of minority groups where probation historically held a commitment to anti-discriminatory practice. The reflection of the informants is that the old ethos of 'advise, assist and befriend' is evolving into one of 'control and monitor'.



## **ACKNOWLEDGEMENTS**

**This thesis is dedicated to the memories of the late Pearl Goodman and Frank Zadik.**

**I would like to thank my supervisors, Professor Jock Young and Professor Vincenzo Ruggiero, for all their support, guidance and patience over the duration of the time it has taken to get to the production of this thesis. I wanted to tell the story of how probation has changed, and is still changing, and their encouragement has been invaluable.**

**My anonymous informants have been very honest and open with me and were prepared to share their thoughts and views on probation. They were prepared to submit to the ordeal of the taped interview and I owe them a huge debt of gratitude.**

**My family encouraged me and were my greatest and politest critics, I could not have completed the thesis without them. Sue, Michael, Hannah and Peter I am forever in your debt!**

## **TABLE OF CONTENTS**

<b>Abstract of Thesis</b>	<b>1</b>
<b>Acknowledgements</b>	<b>3</b>
<b>Introduction:</b>	<b>9</b>
Background to the Thesis	9
My Motivation in Conducting the Research	11
From Professional to Technical Skills	13
Fast Track Punishment	16
What Works?	17
The Specific Tasks Involved in the Research	21
The Specific Aims of the Study	21
The Investigation	22
The Structure of the Thesis	23
<b>Chapter One:</b>	<b>29</b>
<b>Methodology: Background to the Research and the Paradigms Being Applied</b>	<b>29</b>
Discussion of the Paradigm(s) and Criteria Selected	39
Initial Questions/ Hypotheses Employed in the Research	45
Research Intentions	48
Operationalisation and Strategies for the Control of Identified Variables; and Sampling Selection	49
Participant Observation	55
Semi- Structured Interviews	59
<b>Chapter Two:</b>	<b>64</b>
<b>The Changing Nature of Punishment and Supervising Offenders: Punishments and Help Offered to Those Incarcerated</b>	<b>64</b>
The Role of Religion with Offenders	66
Techniques of Gaining Control of the Population, by Discipline of the Mind	67
The Threat of the Destitute	69
The Growth of the Prison System	71
The Export of Offenders	72
Positive Custody?	74
Circumventing the Gallows	75
Ensuring Punishment	79
Dealing with the Children: Reformatories	83
Dealing with the Adults: Prison and Punishment	84
Summary	88

<b>Chapter Three:</b>	<b>89</b>
<b>The Changing Nature of Punishing and Supervising Offenders: The Probation Service from Inception Until 1984: From Idiosyncratic Individual Officers ‘Rescuing the Fallen’ to the Start of a Centrally Managed Organisation</b>	<b>89</b>
From Primitive to Industrial Society	89
Making Offenders Productive	90
Issues of Power: From Control of the Body to Control of the Mind	92
The Early History of the Probation Service: The Position of the Mission	95
From the Mission to Social Work with Offenders	101
The Middle Period of Probation	103
The Incompatibility of Breaching Orders with Traditional Notions of Casework	105
The Taking Over of Prison Welfare and Work with Prisoners and Ex-Prisoners by the Probation Service	107
The Professionalisation of Welfare Work with Prisoners and Ex-Prisoners	111
From the Pessimism of ‘Nothing Works’ to ‘What Works’	116
The Professional Identity of Probation Officers	119
The Home Office and Probation: From Indifference to ‘Hands- On’ ‘Just Deserts’ and the Increase in Compulsory Supervision	122
Summary	128
 <b>Chapter Four:</b>	 <b>130</b>
<b>The Changing Nature of Punishing and Supervising Offenders: The Probation Service After 1974: From Social Work to Social Control and Punishment</b>	<b>130</b>
The Probation Task and ‘Taylorism’	130
Punishment in the Community	132
Control Over Probation; The Role of Her Majesty’s Inspectorate of Probation: Themed Inspections	137
Drugs: 1993	138
The Automatic Conditional Release (of Prisoners) 1994	139
The Quality and Provision of Expedited Pre-Sentence Reports Prepared for the Crown Court by the Probation Service 1994	140
Young Offenders and the Probation Service 1994	141
Probation Orders with Additional Requirements 1995	142
Probation Services Working in Partnership: Increasing Value for Money 1996	144
The Work of Prison Probation Departments 1996	144
Family Court Welfare Work 1997	146
The Work of the Probation Service in the Crown and Magistrates’ Courts 1997	146
Tackling Drugs Together 1997	147
Delivering an Enhanced Level of Community Supervision... The Work of Approved Probation and Bail Hostels 1998	149
Exercising Constant Vigilance: The Role of the Probation Service in Protecting the Public from Sex Offenders 1998	150



HMIP Inspections of Probation Areas	152
Offender Assessment and Supervision Planning: Helping to Achieve Effective Intervention with Offenders 1999	154
Towards Race Equality 2000	154
HMIP Annual Report 1998	155
Anti-Discriminatory Practice Issues	156
1. Women and the Criminal Justice System	156
2. Race and the Criminal Justice System	163
3. Young Offenders in the Criminal Justice System	170
4. Disability in the Criminal Justice system	175
The Growth of Managerialism	176
From Casework to Corrections	179
Probation Since the Change to a Labour Government	189
Just Deserts	194
Probation and the Punitive Tendency	197
Social Exclusion	198
Summary	214
 <b>Chapter Five:</b>	 <b>216</b>
<b>Textual and Visual Analysis of the Cover and First Three Pages of the 'National Standards for the Supervision of Offenders in the Community' (1995) and a Comparison with the First Edition Published in 1992. Implications from the Home Affairs Committee, Third Report, on 'Alternatives to Prison Sentences, July 1998.</b>	<b>216</b>
Background to the Analysis	218
Context	222
1. Typographical Layout	222
2. Discursive Level	223
Lexical Fields NS 1992	224
Lexical Fields NS 1995	226
Textual Cohesion	230
3. Surface Grammatical Structure	230
A) Use of Active/ Passive	231
B) Enunciation or Narrative Voice	232
Use of Pronouns	232
Types of Speech	232
Modality	233
Use of Active/ Passive	234
Cohesive Markers	235
4. The Narrative Level	236
5. The Semiotic Square	238
Commentary	239
Summary	244
 <b>Chapter Six:</b>	 <b>246</b>
<b>Interviews with Informants on the Changes to the Probation Service</b>	<b>246</b>
Introduction	246
The Informants: Ethnicity, Gender, Experience and Their General Views on Probation	247
Main Grade Probation Staff	247

Middle Managers	253
Senior Managers	254
Associated Staff	255
I Changes in the Bureaucratic Tasks of the Probation Service	257
National Standards	257
Processing Offenders	259
Taking Offenders Back to Court (Breaching)	263
Coping with the Changes	264
Recording Contact with Offenders	266
Contact with Prisoners	271
II Changes in the Value Base of the Probation Service	273
Understanding the World of the Offender	273
Discrimination and Offenders	275
Discrimination and Staff	278
‘Advise, Assist and Befriend’ as a Set of Values	279
III Changes in the Skills Base of Probation Officers	280
The Need for New Skills	280
PO’s as Case Managers Rather than Case Workers	284
IV Changes in the Knowledge Base of the Probation Service	288
Engaging with a Different Type of Offender	288
V Explanations About Why the Changes Have Taken Place	292
Political Considerations	292
The Organisational Response	293
Morale and Issues of Control	298
Emerging Themes from the Interviews	299
Overview of the Changes	299
 <b>Chapter Seven:</b>	 <b>309</b>
Summary of the Thesis	309
Conclusions	316
 <b>Bibliography</b>	 <b>320</b>
 <b>Appendix One:</b>	 <b>344</b>
<b>Research on Probation Practice with Prisoners During and After Their Sentence: The Context of Research</b>	<b>344</b>
Background	344
The Probation Caseload	346
Background to the 1987 Study on Through- and After- Care	347
Analysis of the Interviews	348
1. Gatekeeping to the System	348
2. Contact with Prisoners and Their Families	349
3. Contact with the Institutions	350
4. The Relationship Between Through- Care and After- Care	350
5. Liaison Schemes	351
6. Parole	351
7. Guidelines for Probation Officers	352
Recommendations Made to the Probation Service in 1987	352
Professional Practice of POs	353
Background to the PhD Pilot Interviews- July 1994	353



Methodology	354
The Interviewees	354
The Emerging Themes	356
The Through- Care and After- Care Task	356
Bureaucracy and the Probation Task	359
Release on Licence	365
Resources	366
Links with the Voluntary Sector	367
Conclusions from the Pilot Study	370
 <b>Appendix Two:</b>	 <b>371</b>
<b>A Case Study of a Specialist Probation Unit that Operated between the Mid 1960'S –1990</b>	<b>371</b>
289 Borough High Street, the After- Care and Resettlement Unit in the Inner London Probation Service (A.C.U.)	371
The Professionalisation of the A.C.U.	378
(i) Records	378
(ii) Finances	379
(iii) Clothing- W.R.V.S.	379
(iv) Community Service Volunteer (C.S.V.)	380
The Operation of the A.C.U. at the Time of its Inception	380
The Early Years of the A.C.U.	381
The Formation of a Hostel Run by a Probation Officer	385
The Maintenance of the Voluntary Tradition in Probation	390
The Evaluation of the After-Care Unit by the Home Office Research Unit	392
Summary	395
 <b>Appendix Three:</b>	 <b>397</b>
<b>The A.C.U. Through the 1970'S Until the Demise of the Unit</b>	<b>397</b>
The A.C.U. at the Time of the Home Office SNOP Document	398
Work with Casual Callers	399
1986: The A.C.U. After the Division into Specialisms	401
Changes to the Work with Casual Callers	404
The Pressure on Staff to Move from Resettlement to Mainstream Work	406
The Senior Management View of the After- Care Unit	410
1987: The Year of Consolidation of A.C.U. Specialisms	413
Conclusion	415



## **Introduction**

### **Background to the Thesis**

This thesis examines the changing nature and purpose of the community and custodial supervision of offenders by the probation service. Probation, in England and Wales, has its roots in religion, philanthropy and the notion of redemption. It has a fascinating history, starting with a Boston cobbler, John Augustus, operating in Massachusetts between 1841 until his death in 1859, who stood bail and then supervised offenders until they received their sentence at court. This notion of working with offenders prior to them receiving a sentence was central to the early history of work with offenders. Augustus wrote reports for courts, but was *not* an official of the court. The Howard Association brought his work to the attention of the Home Secretary (in Gladstone's new Government) towards the end of the nineteenth century when there was a mood in government for a more enlightened approach to dealing with young offenders. (Bochel 1976) Thus the notion of reclaiming offenders was located in the tradition of voluntary service for the good of the public.

The rationale for supervision has changed greatly over time as the probation service has embarked on a quest for professionalism and an attempt to firstly find a role, and then maintain one, in its work with offenders. From its early work of reclaiming drunks and taking pledges to remain free of alcohol came the notion of befriending, and offering counselling support to offenders. When there was pessimism that this did not change offending behaviour, a further change occurred which represented a major break with

past tradition, when the notion of the offender as a person with problems moved to one of a free thinking individual, who made rational choices. Therefore the choice to offend represents a faulty conditioning of the person's thought processes. To change this, no longer was it appropriate to offer counselling, rather the person needs to be taught cognitive skills and pro-social modelling. The latter aimed to enhance positive views of looking 'legitimately' at the world. The jargon has changed from counselling to promoting behavioural change. The question to be answered is whether by focusing in on the choices made by the offender, the background experiences, deprivations and inequalities are at least downplayed, but more likely ignored, when explanations for offending are now sought. There are major implications for ethnic minorities and gender difference in terms of economic disadvantage and lack of opportunity.

The individual redemption of the offender is less important than the protection of the public, in whose name all actions are taken. National Standards for supervising offenders' lays down regularity of contact and changes the ethos of the agency to one of offering 'punishment'. For the sake of 'programme integrity' offenders are put through identical programmes throughout England and Wales. These programmes are to be taught to probation officers, will this make them operatives or reflective professionals? Indeed will it be probation officers or unqualified officers who deliver these programmes and is this a spurious distinction, if the tasks are so preset that discretion is a vacuous term? The thesis seeks to ask probation officers how they are experiencing the changes in their practice. Is it still appropriate to see the task of probation officers as to 'advise, assist and befriend' offenders; or has the notion of befriending been overtaken by the requirement to maintain a surveillance role, filling in



forms to feed into computers to check whether the offender has become more or less dangerous? Actuarial computation has taken precedence over the clinical judgement of front line staff, as far as decisions of risk are concerned, and the emphasis of working with offenders has shifted to considerations of risk to the public, away from individualised concerns for and about the offender, as if these concepts are mutually exclusive. (Feeley and Simon 1992)

### **My Motivation in Conducting the Research**

My interest working with offenders is difficult to explain and was not from any sense of philanthropy. I used to go on a soup run with the homeless and rootless before I had thought about a career, and it was distinctly preferable to the maths degree I was studying. It was nearly always middle aged single men who appreciated a hot drink and food and they enjoyed the opportunity to have a talk with a person who did not judge them. After graduating, a conversation with a probation officer was enough to get me 'hooked' on the idea of work with offenders, and after a two year training I started as a probation officer in 1975 in the London Borough of Hackney. The training for the job was completely focused on psycho-dynamic counselling, human growth and development, and discussion of 'change agents' and systems. The sociology of deviance or criminology was not on the agenda.

Probation officers were all white, working with a predominantly young black client group, disaffected and with suspicious relationships with the police. Practice was individualistic and idiosyncratic and often idealistic. With a colleague I tried to

investigate why the number of young people going into Borstal was increasing and appeared to be getting younger. We gathered up all reports on young people on one particular day who were either in Borstal, or out on licence, and we tried to analyse them. I quickly realised that I did not have the skills to achieve this, many reports were disingenuous, with the body of the report 'writing off' the offender yet there was a non custodial recommendation. It may have fooled the young person that they had a caring probation officer, but not the judge. I realised that I needed further skills and my interest to study criminology and its relationship to probation practice was firmly cemented into my work. Since this time I have assiduously collected policy documents and was involved in small pieces of field research. I left the service in 1990 to train probation officers, having had a varied experience of field posts, prison probation (HMP Holloway), the After-Care (resettlement) Unit for the homeless and rootless and various training responsibilities.

At the time I left the probation service the emphasis was still on casework skills, although the Home Office had begun to set priorities for the service and probation management had acknowledged these, even if the main grade had not changed from their traditional ways of working. My training for the job had been a two year post-graduate course and was at the transition point from the time when it had been an 'in-house' venture, run by the Home Office. Further training within the probation service included 'trust games' and person centred therapy, rather than considerations of the seriousness of the offence and the degree of dangerousness of the offender. Offenders could be 'treated' for their personal difficulties and the reporting of offenders to their probation officers were somewhat laissez faire, although parolees were supervised conscientiously.



Parole had started in 1967 and was the first experience of the power of the legal Executive as opposed to judicial power (Carlisle Committee, 1988). Probation officers from the 1960's had seen themselves as caseworkers, rather than evangelical saviours or missionaries (McWilliams, 1983,1985, 1986,1987) and this continued into the 1980's and beyond (Fielding, 1984).

### **From Professional to Technical Skills**

The concept of personal discretion is intimately bound up with the question of whether the probation task is still a *professional* activity. As probation evolved from its philanthropic origin it changed to an activity whereby individual staff worked with offenders using their skill and judgement. We shall see that practice is changing to probation staff carrying out set programmes with offenders, drawing on a well defined script. Schön usefully outlined the difference between activity of a mechanical nature and one where personal decision making was called for involving professional judgement:

When a practitioner reflects in and on his practice, the possible objects of his reflection are as varied as the kinds of phenomena before him and the systems of knowing-in-practice which he brings to them. He may reflect on the tacit norms and appreciations which underlie a judgement, or on the strategies and theories implicit in a pattern of behaviour. He may reflect on the feeling for a situation which has led him to adopt a particular course of action, on the way in which he has framed the problem he is trying to solve, or on the way in which he has framed the problem he is trying to solve, or on the role he has constructed for himself within a larger institutional context. Reflection-in-action, in these several modes, is central to the art through which practitioners sometimes cope with the troublesome “divergent” situations of practice. (1991, 62)

The process of change from unadulterated individual discretion began in 1984 when the Home Office produced their Statement of National Objectives and Priorities (SNOP). The process, which is still continuing, consists of a tightening of authority on probation priorities backed up by the threat of financial sanction. Local areas, after SNOP, were required to produce their local statements of priorities and the failure to follow the Home Office lead was revealed by a Cambridge Institute study (Lloyd, 1986). In 1989 the future direction of the criminal justice system was flagged in two government papers: the White Paper 'Crime, Justice and Protecting the Public' (Cm965) and the Green Paper 'Supervision & Punishment in the Community' (Cm966). The proposals were enacted in the 1991 Criminal Justice Act which made community orders sentences of the court in their own right, and promoted a new managerialist approach to practice, which had to recognise that the Court was the 'client' of the probation service, not the offender. Furthermore the probation role had to change from being the exclusive provider of services to more of a case management role, with closer co-operation with the other agencies in the criminal justice system and community. The Green paper made it clear that probation training, located within social work, was not providing sufficient detail on probation matters. (paras 9.16-9.24 Cm966, 1989, 33-35)

Probation officers were given National Standards (NS) to work in community service in 1989 which outlined minimum expectations of compliance. In 1992 National Standards for all probation practice was published, these were to be used for young offenders also. The Standards could be described as good practice initiatives, they drew on, and acknowledged, the skills of the professionals as *social work* practitioners. In 1995 a second edition of the Standards was published which had a very different



emphasis. Supervision was now about punishment and the role of the probation officer was more akin to that of a 'technician' who had to adhere to the imperative to see the offender more often. NS 1992 mentioned the offering of 12 *appointments* in the first three months, NS 1995 changed this to *interviews*. In the second Standards the probation officer, whilst retaining the possibility not to take an offender back to court after two missed appointments, had to discuss this with their senior after the first missed appointment and could not take this decision themselves. This coincided with a new Home Secretary, Michael Howard, who made it clear that in his opinion, prison worked and probation didn't. Probation was to receive a major shock in terms of how its ethos was to change from professional social work to the administration of punishment in the name of the public. This theme will be considered at length in the thesis.

In 1995, after a public debate and what was described as a review (very few individuals or organisations agreed with the outcome) the link with social work training was severed. There was an unprecedented alliance of ACOP (Chief Probation Officers), NAPO (probation officers union), Standing Conference of Probation Tutors (SCOPT), Central Probation Council (employers), Association of Black Probation Officers (ABPO), Joint University Council Social Work Education Committee (JUC/SWEC), Committee of Vice-Chancellors and Principals (CVCP) who met regularly to try to thwart plans to bring in 'on the job' training or even as was rumoured at one stage, ex-armed services personnel as direct recruits. I was a regular attender of the meetings in my role as a committee member of SCOPT and as will be detailed in the research, it was successful in delaying any decisions on the future of training until after the general election of 1997 (see Wood, 1999).

## **Fast Track Punishment**

In terms of legislation there were further Criminal Justice Acts in 1993 and 1994 which had major implications for probation practice. Law and order was high on the political agenda in the run up to the general election and 'New Labour' in their pre-election material made it clear that they would be adopting a hard line attitude to offenders, especially young offenders. The mantra on bill boards said 'tough on crime, tough on the causes of crime' and also 'fast track punishment for young offenders'. What this was going to mean in practice was not spelt out, but it was clear that the Conservatives had had their traditional hard line on law and order matched by New Labour (Brownlee 1998, James and Raine 1998, Nash 1999, Dunbar and Langdon 1998). The final act of the Conservative government was to publish a Green Paper which advocated a raft of tough policies. After the election the incoming Labour Government implemented a number of these policies in their first Criminal Justice Act in 1997. This was followed up with a further Criminal Justice Act in 1998 and a Youth Justice Act in 1999 which targeted first offenders. The Queen's Speech in November 1999 contained a number of Home Office Bills.

In terms of the probation service, the Home Secretary, Jack Straw, and the Minister of State for Prisons and Probation, Paul Boateng, have been aggressively disparaging about the probation service's inability to enforce National Standards, in particular the rate of returning offenders to court is seen as far too unsatisfactory. This was echoed by the Home Affairs Committee, Third Report, dated July 1998 which was vociferous in its



condemnation of the failure of probation officers to take offenders who did not keep their appointments back to court (this is known as breaching the offender). Simultaneous to this drive to toughen probation practice was a commitment to ‘what works’ and the ‘effective practice’ initiative. This has one weapon in the armoury of stopping offenders from reoffending, namely the teaching of cognitive skills. National pathfinder schemes are being set up in England and Wales with a view to evaluating and selecting the ones seen as most effective. These schemes will then be replicated and will become the *only* way that offenders will be worked with. In mid November 1999 Paul Boateng gave a speech to Chief Probation Officers and Chairs of Probation Committees. He stressed the opportunity to state where the probation service was going under the heading of “**Modernisation as a coherent whole.**” (Boateng, 1999, bold in original)

### **What Works?**

The theme of modernisation, according to Boateng, comprised three elements. Firstly, ‘what works’: to ensure that probation practice ‘on the basis of sound evidence’ really did reduce offending. Secondly, probation was to be judged on compliance to (revised) National Standards. Thirdly, the infrastructure had to be right, meaning that ‘structures and powers’ were in place for these ‘improvements’. Given that the audience were probation personnel it was a little surprising that when Boateng spelt out his vision of ‘what works’ he started by outlining joint work with the prison service on ‘core curriculum’ changing offending behaviour programmes. Services were told that they would have to give up ‘long-cherished programmes’ which could not be shown to work and by implication this ruled out earlier ways of working. Underpinning all of this was

offender assessment using a new assessment tool OASys, jointly with the prison service, from August 2000. Thus there was a continuing notion of change into the new millennium.

Boateng flagged up the need to contain the 'relatively small number' of people presenting risk to the public from severe personality disorder, the first priority was given as protection of the public. The next priority was 'punishment and the enforcement of sentences'. This included the notion of the 'seamless sentence'. Drug Treatment and Testing Orders had been brought in under the 1998 Crime and Disorder Act and £20m had been allocated to 'arrest referral' schemes ie intervention at the pre-establishing of guilt stage. Electronic monitoring was seen as an useful tool continuing on the theme of sentencing, not just to ensure home detention as a punishment but "as an effective means of easing the transition from custody back into the community". The explanation Boateng gave was that this "provide[d] an element of stability, which can help to disrupt offending patterns." He was excited at this extension to supervision and commented that the new technology could be used in the future in new ways - reverse tagging could keep people out of certain areas - "Our work is at an early stage but this is an exciting and *growing* area." (My emphasis)

The probation service could not fail to see where the Labour Government saw probation: "Let us be clear: the probation service is a law enforcement agency." (Underline in original) This was linked to strong criticism of the lack of order enforcement and responsibility was placed firmly with Chief Officers and Probation Committees. The revised National Standards, from 1 April 2000 would cut the



‘tolerance’ of unacceptable failures from two to one. Finally he mentioned two further ‘issues’ which will be dealt with at length in the thesis. Firstly, ‘ethnic minority representation’. Boateng mentioned that this minority representation was present at basic probation officer grade level but not beyond this. He did not mention ethnic minority representation amongst offenders. The issue of anti-discriminatory practice, which was a major consideration under the old training and in professional practice was not commented upon. Secondly he raised the issue of homelessness. This is very interesting as the major theme with probation practice, clearly identified above, is protection of the public. However he commented that the Social Exclusion Unit report in 1998 on rough sleepers noted that many had been through the prison system as well as other institutions. Prisons and probation were to “have a new focus on homelessness.”

The original area for the research was going to be ‘probation intervention with prisoners and ex-prisoners’, however the profound changes occurring within the service resulted in a change of emphasis to the work of the probation service in general. In terms of how the probation service worked with people in prison, I had carried out a piece of research for the Inner London Probation Service in 1986. This had investigated the consistency of contact by different probation staff with prisoners. In particular, whether specialist (borough) liaison schemes, where probation officers worked in close contact with usually two prisons, transferring offenders to colleagues, as the offenders were moved to different prisons, led to a better service than the traditional generic approach. This meant probation officers remaining in contact with their offenders in prison, whatever institution, so that an individual officer might have offenders in many different prisons.

I discovered great variation in practice and very little consistency. I revisited five of the informants as a pilot study in 1994 for this research, and my findings are included as Appendix One. It was this pilot study that revealed the need to gain a wider picture of the profound changes occurring within the probation service. My research will draw on the case study of the After-Care Unit (ACU) to demonstrate that probation work with the homeless was sacrificed at the end of the 1980's, as the priority was changed to working with offenders in the community, rather than the resettlement of ex-prisoners (Appendices Two and Three). Indeed offenders sentenced to one year or less in prison could be seen either by volunteers or not at all. They were no longer allocated to probation officers as contact with them would be voluntary, on discharge, as they would not be subject to a period of statutory supervision on licence, on discharge from prison. It was claimed that as probation moved to working only with statutory offenders that this would mean they had committed more serious crimes. Ironically the ACU did have a high risk 'heavy end' caseload as typically they were offenders wanting a fresh start in the London area. The work of the ACU could lay claim to being the precursor to 'joined up thinking' in relation to working with offenders as it included close working relationships with psychiatrists from the Institute of Psychiatry and a number of institutions, including hostels, throughout London. Perhaps the homeless and rootless offender, like aggressive car window cleaners at traffic lights are perceived as a visible threat to the public as they represent the 'unachieving' element who have yet to find a stake in society.

Thus if a focus specifically on work with prisoners and ex-prisoners could not give a full picture of the changing nature of probation practice, it became necessary to investigate,



with probation staff, the full range of their work. Personnel interviewed were open and honest about their practice and how the probation task and role was changing. These changes were at a number of different levels: frequency of contact, expectation that failed appointments should lead to breach, changes in how offenders were worked with, including prescribed ways of working.

### **The Specific Tasks Involved in the Research**

1. Describing and analysing the changing nature of criminal justice practice with offenders from an historical, political and social perspective
2. Describing and analysing the ways in which individual probation officers of different grades and experience, and other relevant key personnel, made sense of their practice and the pressures on them to change.

### **The Specific Aims of the Study**

1. To locate and analyse the ways in which probation practice is made sense of, both within academic discourse and within the informants' narratives.
2. To investigate the changing nature of probation practice from a legal, social, political and theoretical context, whether individual staff could still operate as reflective professionals or were there pressures and policies to make them 'technicians', administering offender programmes without the ability to make decisions for the sake of 'programme integrity'.
3. To investigate how probation officers were working through the changes occurring in the criminal justice system and the meanings they ascribed to their work with offenders.
4. To investigate probation practice with homeless offenders and with prisoners and ex-prisoners; what have been the changing priorities in terms of intervention with different groups of offenders.

## **The Investigation**

This thesis examines from both a practice and theoretical context, the changing nature of probation practice with offenders, from its evangelical roots to 'treatment' and most recently actuarial justice and risk management. It draws on twenty seven interviews with relevant professionals conducted between March 1996 and February 1999. In addition probation archival material was drawn on and four further interviews with the founder of the London Probation Service (1935), a Borstal After-Care Association worker from the 1950's, a probation manager from the 1960's and a voluntary hostel manager running houses for ex-offenders, managed and organised by a specialist probation office working with homeless and rootless offenders. In 1987 I was given a sabbatical from the probation service I was working for to carry out a study of probation practice with prisoners and ex-prisoners. I interviewed nineteen probation and senior probation officers and I have drawn on the conclusions from this study. Five interviews were undertaken in July 1994 with probation staff working with prisoners and ex-prisoners. These five interviewees had been part of the group interviewed in 1987. Thus a total of fifty five in-depth interviews were used, thirty six of which were specific to the PhD.

The interviews with retired staff were useful in placing probation practice in an historical context, as did the case study of the After-Care and Resettlement Unit. This was an exemplar of practice with the homeless and in describing how innovation in service delivery stemmed from meeting needs unmet by the other agencies, voluntary and statutory, in the state system, not necessarily in criminal justice. The rise and demise of

the unit served as an example of how the changing tensions and priorities within the probation service impacted on practice and priorities. This was particularly apposite in December 1999 as the Labour Government rediscovered that ex-prisoners and offenders were over-represented amongst the homeless, a fact well known to officers that had worked in the After-Care Unit.

The use of the interviews from 1987 showed the 'state of the art' of probation practice with prisoners and ex-prisoners and the ad hoc nature of what might be offered to them. The interviews undertaken in 1994 demonstrated the changing nature of the service, the drive to use partnership organisations to deliver work with offenders and a resistance amongst some probation officers to take on board National Standards. This was after the first version of NS 1992 which still acknowledged the social work skills of the practitioners.

As part of my research I spent time in probation offices, one in particular, observing interviews and socialising with staff. As a former probation officer I was accepted and trusted by them and they took me into their confidence. The views of these staff did not differ significantly from other probation staff I interviewed. I would not describe my role as that of 'poacher turned gamekeeper', however my previous profession meant that I was familiar with their jargon, culture and work task.

## **The Structure of the Thesis**

Chapter One is concerned with the methodology employed in the research. The



paradigms and criteria selected are described and analysed. From the initial questions and hypotheses the research intentions were formulated and this led to the operationalisation of the key variables. Semi-structured interviews with a number of key staff were undertaken as well as participant observation within a probation office. The implications of undertaking these two research methods are discussed.

In Chapter Two, the early history of punishment reveals the prerogative of mercy as a mechanism for mitigating the rule of law and establishing the absolute power of the monarch. This was also a time of fear of the vagrant and of popular uprising. In this chapter the work of Rusche and Kirchheimer will be examined, as will that of authors such as Melossi and Pavarini; Beattie, and Weber. Links will be drawn between punishments and 'economic and fiscal' forces. The homeless and rootless were subject to cruel treatment, they were not seen as requiring imprisonment, rather they were more likely to receive a whipping and to be sent back to their own parish. As society became more advanced, so the nature of punishment changed to exert the discipline needed to produce a more 'docile' workforce. Despite this, descriptive accounts of prisons, even in the early twentieth century, demonstrated brutality and cruelty. Women were treated differently to men and during the time of transportation were likely to be sent out to the colonies to boost the population for the future.

Chapter Three initially focuses on the changing nature of law as society became more complex. This was characterised by the shift from a *gemeinschaft* to a *gesellschaft* society. Implications for work with offenders are drawn and key writers (including Hay, Bonger, Foucault) who examined the move away from a generally punitive response to

offending, to a more individualised disposal. The early history of the probation service, which was concerned with rescuing the fallen by using police court missionaries, will be discussed. I then describe how from this religious philanthropic beginning grew a professionally trained service which drew on 'casework' skills'. There then followed a crisis in confidence when the notion that 'nothing works' began to take hold on the service. The structure of the service began to change with a growth in managerialism and from 1984 the Home Office beginning to assert control after publishing their 'Statement of National Objectives and Priorities'. Before this time individual probation officers held almost complete autonomy on what they did with offenders and this was no longer acceptable to the Home Office or probation management.

Chapter Four continues the theme of the changing nature of probation practice and ethos, when the groundwork for a 'Taylorist approach' was set down. We shall see that the intervention in 1989, both of the National Audit Office and Audit Commission, introduced the notion of 'efficiency, economy and effectiveness' to the service. In 1991 the Criminal Justice Act introduced the notion of 'just deserts' and the intention was allegedly to move the probation service centre stage as a community penalty enforcement agency. Probation orders became a sentence of the court for the first time and no longer a recognisance to be entered into. A further Audit Commission report that year found that the probation service was developing a more managerial approach. In 1992 the first edition of 'National Standards (NS) for the Supervision of Offenders in England and Wales' was published, although NS for community service was published in 1989. The NS recognised the (social work) skills of probation officers and could be seen as a tightening up of the supervision of offenders. In 1993 a further Criminal Justice Act



removed much of the progressive elements of the 1991 Act, further punitive and regressive Act's were to follow in 1994, 1997 and 1998. In 1995 the Conservative Home Secretary removed social work training as a requirement for probation officers.

A second version of NS in the same year was firmly rooted in the notion of punishment.

The notion of probation officer discretion and professionalism was also absent. Finally the changing nature of probation practice is considered with a move to the management of risk and the strict enforcement of supervision. In this respect the move from a Conservative to a Labour administration was seamless.

Chapter Five starts with a textual and visual analysis of the two versions of National Standards 1992 and 1995. These are important as they demonstrate how the language and presentation of these formal documents affects both the status and power of professional staff and how the ethos of their intervention was changed from a skilled activity to one of administering punishment. Having established this, the third version of National Standards (2000) further tightened the reporting conditions of offenders. Finally the power balance between PO's and offenders is analysed in terms of how PO's can use language in reports to give a positive or negative image of the offender.

Chapter Six outlines and analyses the interviews with the informants. The theoretical questions to be answered concerned issues of bureaucracy, control, therapeutic work and the value base of probation; changes in probation practice and its skills base; changes in the knowledge base of the service, whether the offender profile was changing, effective practice initiatives, and finally why the changes were taking place. Issues of enforcement received much comment from front line and other staff, as was the increase



in bureaucratic tasks. There were differences in approach between more experienced 'traditional' PO's and newer PO's trained under National Standards. The former group generally were less happy taking offenders back to court, whereas newer PO's were much more ready to do so. The research was completed before any of the new Diploma in Probation Studies qualify and start to practice, which could further accentuate this difference.

Appendix One describes a pilot study undertaken in July 1994 with probation staff with a particular emphasis on practice with prisoners and ex-prisoners. This revealed significant changes in the nature of the job, in general, notably the bureaucratic tasks, use of partnership organisations, and tensions between the different grades. It was as a result of this pilot study that the emphasis of the research was moved from the specific analysis of the resettlement of ex-prisoners, to the changing nature of probation in general. The interviewees, as part of a larger sample, had been previously interviewed in 1987, as part of a research project on probation through- and after-care practice.

Appendix Two and Appendix Three represent a case study of a specialist probation unit that operated between 1965 and 1990, offering resettlement to homeless and rootless offenders in the Inner London area. Appendix Two describes how the unit was born out of the old Discharged Prisoners' Aid Societies and how it adapted imaginatively to provide the necessary services needed by the offenders. Appendix Three describes how the unit changed from the mid 1970's to try to fit with the changing nature of the wider (probation) service. A management report completed by Headquarters staff in 1988 recommended that homeless offenders who chose, on their own volition, to move to

London would have to make contact with the nearest probation office and seek a service from them. The service would, no longer, provide a service for them in advance of their move. The unit closed two years later, as PO's that left were not replaced and new offenders were no longer accepted by the unit.

## **Chapter One:**

### **Methodology: Background to the Research and the Paradigms Being Applied.**

The probation service has been undergoing a period of great change from the early 1990's that could be described as a paradigm shift in its operation, structure and philosophy. This process accelerated when Michael Howard became Home Secretary in 1993. He attempted to change the way that probation officers operated by defining their primary task as punishing offenders, whilst ensuring that the public was protected. He stated that this was what the public wanted from the probation service. It is not clear whether the change of Government in May 1997 and a new Labour Home Secretary, Jack Straw has changed this. Thus this research into probation practice was taking place during a period of uncertainty and anxiety about the future and straddled the time of the election. Probation officers (PO's) were coping with increasing numbers of offenders on their caseload and diminishing resources. In 1994 I interviewed five probation officers about their practice with prisoners, but issues of central control and adherence to National Standards, use of community resources were also discussed. At this time I was interested in how probation officers worked with offenders in prison and liaised with prison personnel. It was possible for probation staff to visit prisoners regularly and this was a focal point of the research. I had conducted research in this area in 1986, whilst still employed in the probation service and I was interested in evaluating the changes that had occurred in the intervening eight years. In order to do this my informants were selected from those interviewed earlier. I discovered significant changes in attitude as



changes in probation practice fundamentally affected all aspects of practice, although at this time prison visiting was still regularly occurring.

The emphasis of the research changed from specific issues of probation work with prisoners to probation work per se. I decided to conduct a fresh pilot study in order to obtain an understanding of the changes and in 1997 I decided to 'get to know' one probation office by sitting in on interviews and interviewing staff, using a semi-structured questionnaire. At the time of negotiating entry to the office, I did not know that financial constraints would force the closure of two probation offices in the area, leaving only one office to cover the borough where three years earlier there had been four offices. I was able to interview PO's who had moved to the office as well as the original staff. This centralisation of offices has been taking place throughout the country. I also conducted a number of interviews with PO's, senior PO's, chief officer grade probation staff, a member of the Home Office Probation Inspectorate and a senior trade union official (NAPO). The staff were chosen at random from those in the office and included a balance of gender, race and experience. Following on from this when it was clear that my semi-structured interviews were succeeding in producing useful data, I expanded my list of informants from the Greater London area. No claim is made that the informants are statistically representative. Some informants were selected from having had working contact with them and some as they were in posts I wished to gain further knowledge of. Informants were promised anonymity and they spoke freely to me on this basis. Significant themes can be gleaned from their comments and views and conclusions can be drawn.

In research terms, I had interviews from cohorts of probation staff, from 1986, when I was working with the probation service and I was given a three month sabbatical to evaluate probation practice with prisoners and ex-prisoners. I interviewed a total of 18 probation staff. In 1994, an interesting time between the two versions of National Standards I interviewed five probation staff and as mentioned realised from the data that it was important to examine probation practice per se, and not just in the area of work with those who were incarcerated. The main research which began with a field study based in one particular office when I interviewed nine probation staff and then continued over a wider area. This allowed the context, methodological concerns, operationalisation of the data, which Ford, Foley and Petri described as “the process of translating the idea behind a variable name into a research procedure” (1995, 28); as well as the research findings to be evaluated. This may transpire to be a ‘snapshot’ in a time of uncertainty and anxiety for PO’s and conclusions will necessarily need to be treated with caution. The process of change is still continuing as criminal justice is a highly charged area fought between the main political parties, vying to demonstrate how tough they can be on crime and criminals. The probation study allowed me to investigate issues of validity and reliability, conceptual issues around the methodology employed and how the concepts could be operationalised.

There has been very little academic research on what probation officers actually do with offenders in the privacy of their offices. Documentaries have been few and far between and a television drama series ‘Hard Cases’ produced much mirth in the probation office where I worked, but it was not a success. This lack of research is surprising, given the



numbers sentenced to supervision by the probation service is greater than those sentenced to custody. Mair agreed with my observation:

That the probation service occupies such a key position in the criminal justice process is something of a well-kept secret. The image of PO's is not highly developed in the way that images of police, sentencers, and prison officers are. Members of these agencies are frequently demonised and praised by the media, while members of the probation service remain back-stage quietly getting on with their work. The problem with this is that PO's all too often have seemed to be isolated from the other criminal justice agencies and somewhat smug and complacent about what they do and how they do it. There is a tendency to hide behind 'social work values' which are rarely, if ever, expressed...precisely how they are translated into work with offenders to reduce their offending remains unclear. (1997a, 1195-6)

The research was carried out at a time when the probation service is experiencing great tension and uncertainty. Yet it appears from Ford, Pritchard and Cox's (1997) research that probationers are likely to be content with the service they are receiving from probation officers. I wanted to learn about how the front line probation staff felt about the job, whether it was changing and if practitioners could still practice in the way they wanted. The most profound change occurred in 1992 when NS first appeared, I wanted to interview staff who had worked pre-NS and those who had only worked under the two versions of NS.

I was conscious from the outset that the staff I was interviewing placed a great deal of trust in me. They spoke freely and 'off the record'. I did not want to abuse this information which would not have been so forthcoming to an unknown audience. At the university I had worked with a PO who had supervised a student of mine on placement. The student failed the placement and I had supported the PO's decision and I think had been seen as fair minded. Another PO was an ex-student of mine. Neuman put this well:



The researcher's authority to conduct research, granted by professional communities and the larger society, is accompanied by a responsibility to guide, protect, and oversee the interests of the people being studied. (1994, 430)

The research involved getting to know and be accepted by probation officers and there was a clear understanding that no individual would be identified from the research. I will be making explicit, ethical considerations during the research. As a former PO it was relatively easy to be trusted by the staff group who were very open to me in their comments about the organisation and probation management. I made it clear that no comments would be fed back to management and I made it explicit that I knew one of the office managers on a friendship basis. This did not stop officers being negative about this manager which demonstrated their willingness to talk openly and honestly with me.

I spent time meeting probation officers, going to the pub with them and seeing them individually in their offices for semi-structured interviews. I taped these interviews and also spent time with them afterwards with the recorder put away. I discovered that this gave some probation officers a sense of being able to be more free with what they wanted to say. I made it totally clear to the informants that the purpose of this exercise was twofold. Firstly, the interviews were integral to my research degree. Secondly the knowledge gained from the contact with the office would inform my teaching and training of social workers at the university:

Social work needs research for many reasons, both internal and external to the social work profession. These include the need to establish a research base for a profession subject to much ill informed criticism, the demands of politicians for value for money, and the ethical obligations for practice to be aware of empirical evidence for its effectiveness. (Fuller and Petch, 1995, 6)

Thus the research involves an examination of the 'principles of conduct' that the probation profession operates within:

Without a clear ethical sense of what values are essential to social work practice, workers lack any basis for deciding which forms of community supervision and control are acceptable and which are not. This could leave social work [probation practice in this context] vulnerable to a sudden change in the politics of criminal justice, and by the early 1990's there were signs of such a change...(Smith, 1995, 84)

Smith continued by discussing what was happening within the probation/juvenile justice sector at this time, particularly the ascendancy of the labelling perspective which posited that individuals performed to the label(s) ascribed to them. In consequence it was better not to intervene with people as this confirmed the stereotype. However the labelling perspective had a further negative effect:

By its disregard for the causes of crime, and the encouragement it provided...to social workers to treat these as irrelevant, labelling theory left social workers ill-prepared to argue on the basis of values, rather than of technical management, against the possibility of their being expected to take on a more overtly repressive, controlling role or being progressively excluded from meaningful participation in criminal justice. (ibid, 85)

Not only am I wanting to consider the possibility of ethical change in the probation task, this 'complex to analyse' concept must be clearly defined and operationalised. There is an ethical injunction on me as researcher to be aware of my ethical responsibilities towards the informants and the information generated:

The use of qualitative interviews as a data generation method raises a number of general ethical issues, and there will also be specific ethical concerns connected to any one particular project. Some of these can be anticipated in advance, but just as you will find yourself making intellectual and practical decisions on the spot, so too you will from time to time need to make hasty ethical judgements. You must prepare



yourself to do this, by thinking through the kinds of ethical issues which might arise, and your possible answers to them. (Mason, 1996, 55)

She continued by postulating questions for the researcher to consider about their interview practice, namely:

How far is my own interview practice and style ethical?  
On what basis am I judging what is ethical and what is not?  
What justifications can I offer for the ethics of my interview practice and style?  
On what basis, and to whom, are these acceptable?  
Have I gained the 'informed consent' of my interviewees for their participation?  
(ibid, 55-57)

A number of my informants were probation officers at an early stage in their careers. Many discussed their unhappiness in the way that the service was changing, the emphasis on enforcement, their desire to do 'therapeutic work', and an intention to leave the probation service in the next couple of years to work in organisations where this might be possible. It was my opinion that they saw me as an 'outside expert' who could discuss these possibilities. I thought about this after the first interview when this occurred and decided that as I did indeed have the knowledge to discuss career plans it was appropriate to do so, although at the time of the interviews it was not clear in what direction the probation service would be heading with an incoming Labour Government.

Massarik put the interview process into context, notably the relationship between the participants:

The depth interview...is characterised by an intensive process on the part of the interviewer to explore thoroughly - more deeply than in the typical rapport interview - the views and dynamics of the interviewee. In this context, the level of rapport is significantly elevated; the interviewer is genuinely concerned with the interviewee as a person, going beyond search for delimited information input. In turn, the interviewee sufficiently reciprocates this feeling, valuing the interviewer's motives and seeking to respond in appropriate depth. (1994, 203)



The 'fuzzy' nature of the probation service was an issue for some probation staff unsure of their future and I was concerned that I was highlighting painful issues for them. When I started observing interviews in the probation office I was getting back in touch with an activity I had conducted over a number of years but from which I had withdrawn for seven years. I did not know how the experience would affect me. Would I be unimpressed with at least some of what I saw, given that I had never had to work under the pressures and possible prescription of duties that now pertained? Could I remain as open minded as I hoped to be, given that inevitably I was conscious that I brought with me my own value system and memories that could grow somewhat rosy over time. Would I be critical of my observations and how could this affect the dissemination of my results? As May commented:

What is more difficult to control and account for are the wider influences of values and how they affect research. This becomes a particular problem when the results reach a wider audience (the use made of research findings). At this point political circumstances can take over regardless of the good will or intentions of the researcher. The research results may then be used for purposes for which they were not intended. (1993, 37)

In the probation context this possibility was of grave concern to Broad when he published his doctoral thesis on probation community developments. He was aware that there could be an implication drawn from his analysis that:

'soft' punishment strategies might be misinterpreted. Such misinterpretations might conclude that welfare approaches to probation 'do not work' and thence make the quantum leap from that mischievous conclusion to claims for more rigid and punitive approaches. (1991, 15)

I was reasonably confident that I would be sensitive to issues of how my research would be used, however as a former probation practitioner there was a danger that I would fail

to notice issues over familiar to me. A good example of this was my unproblematic use of the term 'breaching'. It was only when I asked a colleague to read my thesis that it was pointed out to me that this term, central to my analysis, contained a 'shorthand' connotation of taking an offender back to court for failing to keep to their community penalty or licence conditions. This was an essential concept to consider, the epitome of the control function of the service. By assuming that the term was unproblematic and obvious, I had thus fallen into using informant language, rather than questioning its meaning in the interview context. The avoidance or readiness to breach was a useful indicator of the adherence of the PO to NS.

As mentioned earlier, the last Conservative Home Secretary, Michael Howard, announced that the wish of the public, and in particular victims, was to see offenders punished. I wanted to investigate not only whether the rhetoric of punishment had impacted into probation culture and practice, but also how far the needs of the victim and the protection of the public had entered into the world of probation. Very little research has taken place in this area and I was able to ask some preliminary questions to a sample of victims, as simultaneously to my probation research, I was (co-jointly) undertaking a piece of qualitative research evaluating the effectiveness of a local Victim Support Scheme. This involved a postal questionnaire to 1,000 victims of crime. Results indicated that victims wanted to know whether the offender had been apprehended, but they did not want to become involved in mediation with them. For the minority who were prepared to consider mediation, they wished this to be carried out by Victim Support representatives and not probation officers.



One major area of change in probation that follows from NS, is a stated concern for the protection of the public. This has highlighted the need to formulate assessment of risk. There is now a separate section in Pre-Sentence Reports to courts on risk. Research in this area and good practice guidelines are only now beginning to appear, although PO's have worked with offenders 'at risk' or who were dangerous, for many years. The nature of the offence is not necessarily a good indicator of these concepts. Kemshall warned that PO's need training and guidance and that an administrative procedural response was not sufficient. Dealing with human nature, a potential predisposition to violence, what might constitute trigger factors, and other predictive indicators is a very complex and skilled area. She concluded:

The Probation Service can either pursue a simplistic response based upon offence categorisation and largely unproven predictive indicators, or it can acknowledge the complex nature of risk and the variability of public perceptions of it...The real task for the Service may well be the articulation of the range of probable risks facing the public and how limited they are rather than the uncritical application of supposedly objective indicators of risk. (1997,143)

The quotation would imply that the probation service has an educative role to play, but traditionally it has avoided publicity. The research was intended to investigate how changes in practice affected the ability of PO's to work with offenders. The concept of community safety would flow logically on from how well trained and resourced PO's were to work with dangerous offenders in the community. It was especially important that they had time and 'meaningful'- not just adherence to NS - type supervision, if they were to recognise the complex factors mentioned by Kemshall.



## **Discussion of the Paradigms(s) and Criteria Selected.**

A number of paradigms had been posited. One major concern was that probation had become part of the political arena with the major parties wishing to show that they took a hard line on 'law and order'. In terms of the trend towards 'managerialism' and centralisation there was a danger that the practitioner could become an insignificant observer unable to influence the direction in which the profession is travelling. 'Managerialism' is a jargon laden and prejudicial shorthand label for the process whereby:

The self-motivating PO, bound by rules of conduct and answerable mainly to the courts was gradually replaced by the managerially controlled officer bound by a hierarchy of authority and answerable, through the hierarchy, to the executive. (McWilliams, 1992, 10)

A more positive view of the need for probation management was posited by Statham, a Chief PO, who attributed the development of senior PO's as managers rather than casework supervisors, to the growth of community service as a community penalty. This was intended to be a punitive sanction of between 40 and 240 hours duration. Offenders may be placed in activities as diverse as cleaning ditches to helping the elderly and the handicapped etc.. In conceptual terms reparation could exist alongside rehabilitation and reformation. Organising the offender placements meant liaising with community organisations:

there was a recognition that this new sentence promoted understanding of crime within the community and offered the potential for partnership. The development of management skills such as budgeting, target setting, public relations, monitoring and referral systems, became essential...a swathe of new middle managers found themselves preoccupied with the

issue of financial management...As senior PO's moved out of community service and back into fieldwork units, they took their newly acquired skills with them...[They] begun to perceive their role in a very different way than that of the traditional casework consultant senior PO. (Statham, 1992, 32)

Statham thus located the responsibility for seniors seeing themselves as managers, rather than casework supervisors, with the SPO's themselves. This observation I find difficult to accept as my personal recollection was of seniors being ordered to stop holding cases of their own. Earlier interviews with seniors which I have taped indicated a desire to retain their role of offering supervision, but that this was not *wanted* by higher management. This demonstrated that research can be a powerful antidote to the selective rewriting of history.

Spradley discussed the responsibility on researchers to consider the use that could be made of their research findings. He stated that the "time for when 'knowledge for knowledge's sake' was sufficient reason for doing social science...has long since passed." (1980, 16). In this respect he added: "More often than not, informants can identify urgent research more clearly than the ethnographer." (Ibid,18). In my research, issues about the usefulness and effectiveness of management; the implications of centralisation, and the growth of reporting centres were of great concern to my informants, as well as the increased pressure on their time and the need for the PO's to follow NS. The low morale of PO's was raised directly, and without prompting, by my informants, either during the interview when answering my questions or at the end when invited to add to their comments.



My key questions were designed to tease out the nature, time process, extent and causation for the changes taking place in the probation service. On the *descriptive* level I wished to ask probation personnel what they did, how they operated under NS, how often, and when they breached offenders, what discretion was available to them, were there differences in the way they supervised compulsory orders, were there changes in the supervision of PO's by the service? The 1991 Criminal Justice Act introduced the notion of a 'cocktail' of sentences, in particular the Combination Order (a sentence made up of probation and community service). Did this intensive sentence create severe problems for offenders to complete successfully? The profile of offenders problems may have also changed over time, this might be because benefits have been reduced, less hostel availability, work, changes in the nature and level of drug and other substance abuse etc. I expected to hear that PO's were breaching many more offenders than they used to and there were differences in this respect between pre-NS and post-NS PO's. I suspected that PO's have very much less autonomy than used to be the case. I wondered whether the bureaucratic nature of the job had vastly increased, resulting in less time being available to spend with offenders. I feared that resources for offenders were less available. In terms of substance abuse I would not have been surprised if offenders were substantially misusing substances and had become poly drug abusers.

In terms of *cause-effect* questions, these can be sub-divided into two broad areas namely: why do offenders offend, and why has the probation service changed? The first question could be examined along a continuum from individual psycho-pathological explanations to problems being located in societal inequality. There have been intervening variables that could affect this, changes in the welfare state, housing



provision, competitive drives in schools resulting in increased levels of permanent exclusions, which is a good indicator for juvenile delinquency. Changes to the probation service also raised the issue of *intervening* variables, in particular the role of Home Office officials and probation management. Probation management may welcome the centralisation of control and be taking a lead role in this respect or their role could be passive, or subversive (notions of Weberian theories of bureaucracy). Main grade officers may not be informed about the motivation and view of the Home Office. I expected that the explanation of why people have become offenders would continue to provoke a complex matrix of explanations.

The reason why profound probation changes were taking place at the present time might be partly explained by the intervening variable - the parliamentary electoral timetable. This pilot study took place before, during and after the 1997 election. The outgoing Conservative Home Secretary tabled new White Papers on the sentencing of repeat offenders and increasing police powers which were unlikely to be turned into legislation before the end of the last Parliamentary session. It therefore served as an exemplar of new radical right wing attitudes of incapacitation/incarceration of offenders and had implications for civil liberties.

Regarding the changes to probation training, the last Conservative Home Secretary talking about the recruitment of ex-armed services personnel to become PO's and punishment as well as rehabilitation (BBC radio 4 News on 9 February 1996), demonstrated that this had a propaganda as well as a philosophical purpose. I expected at that time, that probation changes, and law and order issues in general, would remain

in the public spotlight for the foreseeable future, certainly until after the election, with the nature of the training to be decided by the new government. This might make analysis of bureaucratic concerns, influence of service management and/or the Home Office etc, problematic to analyse, as short term political considerations overwhelmed other factors.

*Predictive* questions might reveal the current morale of personnel if they described the future in wholly negative terms, in this instance how informants saw the service changing in the future. I wished to discover how changes were perceived over time. Successive changes to NS, the predictive effect of the loss of social work training and the base in Higher Education, the effect of 'on the job' training were key recent changes. The effects were too new to be known and may not be useful to explore at this time of uncertainty. I felt some responsibility not to confront (especially new) staff, with a catalogue of difficult issues. I expected to hear some misgivings about the direction the probation service was moving in.

*Evaluative* questions may be less threatening for staff when considering changes to their practice. PO's will have developed perspectives on their work and the early (grand tour) descriptive questions should reveal practices that I can then follow up with 'why' type open questions. Informant questions will not be in the sociological theory language of regulation and control, but PO's *are* used to discussing concepts of punishment and treatment. In their offender focused tasks PO's will have a view of whether the traditional skills are still appropriate, whether they have learnt new skills and on the expectations made on them. There may be concerns about the amount of professional



discretion allowed for PO's to make informed decisions about offenders, without needing to seek the approval of line managers. There may be a split between PO's trained in the regime that pre-dated NS and only used to operating within it and their more experienced colleagues. I wanted to obtain an understanding of PO's perspectives of the causation of their clients offending behaviour. Would the experience of the PO (in terms of ethnicity, gender, years of practice) affect this variable?

The first senior manager I interviewed did not hark back to his early career as 'halcyon days'. Practice had been varied and unpredictable. PO's adopted a variety of techniques to work with offenders and I wished to learn about what PO's viewed as good practice. This implied that prescriptive-interventionist ideas could be micro solutions found useful by individual PO's. I hoped to capture macro solutions to the question of 'what is good practice'? The probation service had moved away from seeing one-to-one work as the only way of working. I wanted to learn about what was considered good practice, especially as group work has assumed a very high profile, as have cognitive therapy approaches. I hoped to discover that PO's had adopted positive strategies to deal with the changing nature of probation practice. Increased accountability, more concern for crime victims, engaging with more 'heavy end' offenders could result in the long term, in a better trained higher profile service. I expected to discover that short term prognostications were negative. I might discover that the service had developed a more realistic and less idealistic view of offenders and what it can achieve, or that idealism is not a construct that PO's identified with, pragmatism might be more appropriate. PO's I am sure would be very reluctant to 'ditch' their commitment to anti-discriminatory practice (the notion of treating each person as a unique individual, respecting difference



and not discriminating because of it). I expected that structural inequality would be given as a major explanation for offending behaviour, as well as traditional psychopathological reasons. The rational choice perspective, and therefore 'entitlement to be punished' view point was unlikely to be advanced.

In terms of *prescriptive/interventionist* questions I wondered how PO's (of any grade) saw the service operating in the future? Would it still be trained in social work/interpersonal skills? What skills would be needed to intervene in the lives of offenders? Would interventions in the lives of offenders be prescribed by the Home Office? I expected to hear that PO's trained before the advent of NS would try to continue to work in a traditional 'casework' way. Newer PO's may well be more prepared to take on board the changes, NS was likely to have been high in their training agenda. Therefore they might be more ready to breach offenders and take them back to court for resentencing. The newer concepts of inter-agency, inter-disciplinary working might be more popular with newer PO's, longer serving PO's may prefer to keep their interventions with offenders more under their personal control.

### **Initial Questions/Hypotheses Employed in the Research.**

I wanted to discover whether the changes that had been taking place within and 'to' the probation service had affected service delivery and how practice was implemented by PO's. The research was not intended to be an abstract piece of work, rather that it should have real significance at a time of change when the new Labour Government was ordering a review of the probation service. Hopefully therefore there would be practical

consequences arising from the research. The pilot study was intended to inform a larger research project.

Moving from my Central Research Question (CRQ), I wanted to devise a series of no more than five theoretical questions whose exposition would lead to the CRQ being answered. The first area I wished to investigate was at a *descriptive* level to tease out what was happening to the bureaucratic process within the probation service. PO's working very hard, absorbing multiple changes, might find it easier to start by answering 'broad brush' questions. Were PO's case workers or more case managers? What was the implication(s) of working in partnership with the voluntary sector?

From a description of how practice was changing, my second theoretical question concerned issues of control and whether this had taken priority over therapeutic work - the essence of my CRQ. Were more offenders being breached, representing a less accommodating and more controlling approach to offenders? Could PO's still practice in an ADP way, ie have an ability to respect difference and treat individuals with respect or would the need to conform outweigh the social work ethic? I was interested in the computerisation of records (CRAMS) and its implications in terms of data protection and the loss of administration staff. How did PO's envisage their role with clients and had issues of risk and public protection changed practice?

The third theoretical area built on issues around control, utilising prescriptive/interventionist questions. In particular what did it mean to follow NS (where my semiotic analysis indicated profound change to individual discretion and the

potential for PO subversive activity). Had supervision changed to accommodate the threat of breach if stringent reporting conditions were not kept? Had the job literally become so prescriptive that the type of intervention was generated automatically?

My fourth theoretical construct concerned the offender group profile and whether it had been changing since the Criminal Justice Act 1991, when probation became a criminal penalty rather than a recognisance to be of good behaviour. Were offenders being recommended for community penalties or 'punishments' on welfare grounds or was it in terms of the nature/seriousness of the offence? This drew on the evaluative questions posed.

Finally the fifth theoretical question drew on predictive questions, asking why these changes had taken place? In this question I wanted to tease out whether the value base of practitioners was seen as the same as for managers, Home Office etc. Were PO's feeling isolated or were they in accord with their middle/senior managers and where did they see the service going?

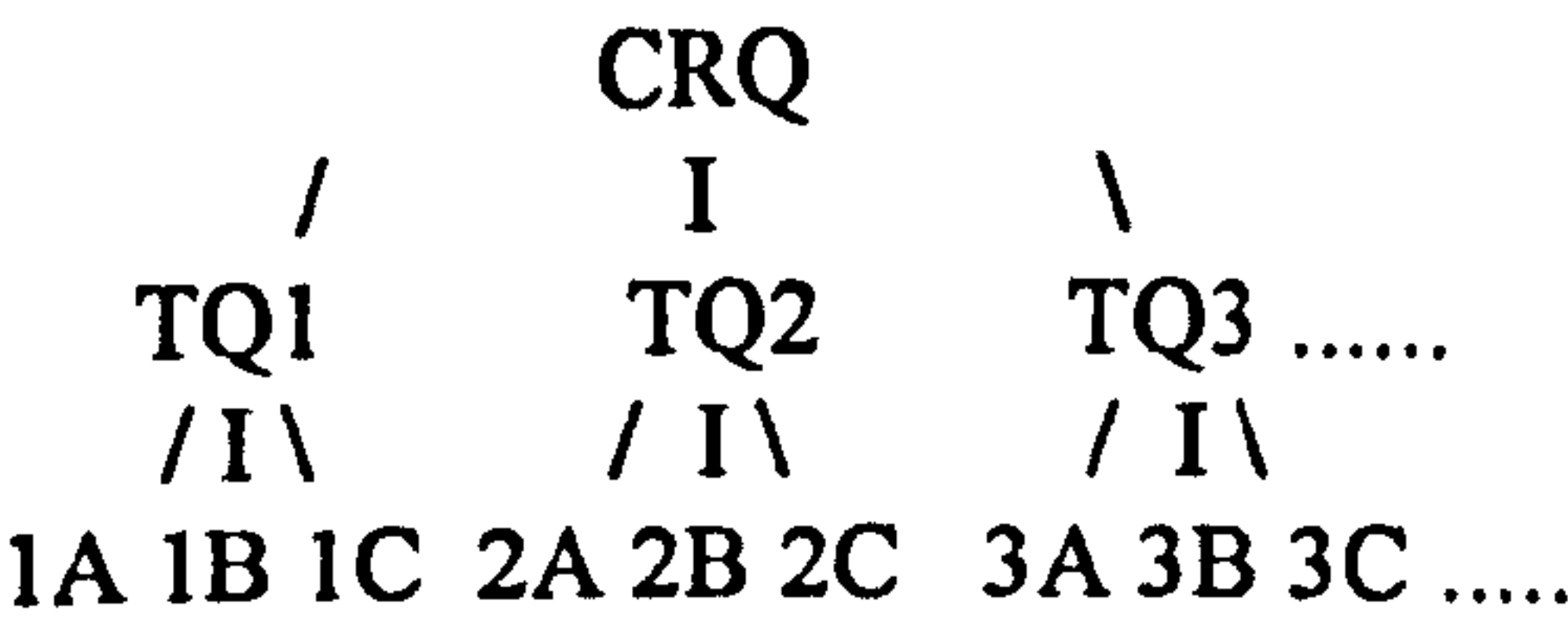
I then constructed a model as follows whereby each theoretical question was translated into no more than three questions to be posed to the informants, so that the answers to the informant questions (IQ's) would lead to the theoretical questions being answered. Thus the IQ's would relate back and answer the central research question. This methodological model of Wengraf (1994) was robust and vigorous.



**Research Intentions**

The purpose of the research is to investigate what is going on at 'ground level'. The start of the interview is designed to ascertain the parameters of change by giving direct answers to questions on practice and procedural change. This is designed, not to get the probation officer being questioned to give their views on *why* the changes are taking place, instead to tease out *what* the changes consist of, qualitatively and quantitatively.

The second component of the research is to get the interviewee to evaluate the implications of the changes. The earlier answers then form a series of prompts. This will allow the researcher to obtain answers to the Central Research Question.



TQ1: Has the level of formal bureaucracy changed?

TQ2: How is the value base of the probation service affected by the changes?

TQ3: Do the changes imply a difference in the skills base of practitioners?

TQ4: Is there a change in the knowledge base needed by PO's to fulfil the job requirement?

TQ5: Is there a change in the focus/form of the supervision of PO's by their managers?

TQ6: Why have the changes taken place?

Informant Questions

TQ1

1A: Can you outline the tasks, with offenders, that have changed in the last two years?

1B: Can you outline the tasks, in your written work, that has changed in the last two years?

1C: Can you outline any other changes in the past two years?

## TQ2

2A: Are you taking offenders back to court more often?

2B: What does following National Standards mean to you?

2C: Can you practice in an anti-discriminatory way?

## TQ3

3A: Have you had to learn new skills to operate as a PO in the last two years?

3B: Are there skills that you no longer employ?

3C: What are the skills in following National Standards?

## TQ4

4A: Have you had to increase your knowledge base in order to operate in the last two years?

4B: How has your knowledge base changed?

4C: What knowledge is required to follow National Standards?

## TQ5

5A: Do you receive supervision with more/less/same frequency as you did two years ago?

5B: Are there differences in the form that supervision takes?

5C: Has National Standards changed supervision?

## TQ6

6A: Have the changes been generated by the Home Office?

6B: Have the changes been generated by probation management?

6C: Who else has generated the changes?

## **Operationalisation and Strategies for the Control of Identified Variables; and Sampling Selection.**

Operationalisation, according to Ford, Foley and Petri “is simply the process of translating the idea behind a variable name into a research procedure. (1995 28) The

process needs to be both valid and reliable; Robson points out that unless the measure is reliable it cannot be valid (Robson 67). These concepts were explored at length in SSC4102, word restrictions prevent a further detailed exploration here. Silverman emotively makes a convincing case for methodological rigour:

I admit that my heart sinks whenever I read yet another 'open-ended' interview study claiming to tell it 'like it is'. If this is one's 'bag', why obtain research grants and write scholarly papers? Better by far to turn on the TV and wallow in the undoubtedly 'human' and 'authentic' pap. (1997, 249)

This research exercise is being undertaken in a complex area. As Fielding wrote after his research undertaken thirteen years earlier before the pressures and controls on probation practice had become more sharply etched:

To gain insight into the officer's resolution of the care/control conflict one has to move beyond documenting the rather obvious solution of collapsing the dichotomy. One has to take account how officers' approaches to all the areas of their work with offenders are affected by the co-existence of what are essentially two different approaches to deviants, one emphasising free will and the other determinism. (1984, 162)

I tried to ensure that my theoretical questions (TQ's) would lead to my CRQ being answered. Each TQ generated no more than four informant questions (IQ's), which would be posed in language familiar to the informants, and whose answer would provide the detail to my CRQ. The use of a semi-structured questionnaire would satisfy the above critique by Silverman:

Research cannot provide the mirror reflection of the social world that positivists strive for, but it may provide access to the meanings people attribute to their experiences and social worlds. While the interview is itself a symbolic interaction, this does not discount the possibility that knowledge of the social world beyond the interaction can be obtained. (Miller and Glassner, 1997, 100)



The need to operationalise the concepts under investigation is part of the process of changing the language to one that is comfortable to the informants. The informants are then able to put the questions into context in order to formulate their response and as Mishler pointed out: “meanings are contextually grounded.” (1991, 117)

At the operationalising stage, I decided that in order to triangulate my approach I would use a mixture of semi-structured interviews, participant observation, and documentary analysis. All interviews would be taped, transcribed and checked against debriefing notes made as soon as possible afterwards and I would allow informants to talk to me after switching off the tape. I hoped to sit in on a number of interviews with probation staff to get a direct appreciation of practice. I wanted to look at official documentation to see how it had changed from my time as a PO (up until 1990). I wanted to see whether analysis that took into account different structural levels would be consistent eg would PO’s narratives accord with how I observed their practice? In this respect Feldman is encouraging:

My experience with ethnographic data suggests that clusters of data tend to stick together. These clusters probably depend on both what is in the researcher’s thoughts as the data are gathered and how the members of the culture tend to organise their culture. Some of the challenges at this point of the research involve how to loosen the boundaries of these clusters, how to encourage clusters to interact with one another, and how to access clusters that have potential for interacting. (1995, 2)

By the very nature of undertaking small scale qualitative research the process of randomisation of informants is rendered problematic. The pilot project by definition was going to be a small scale affair and that was why I decided to investigate one field probation office. I was aware that practice between different probation services could

vary remarkably and that although all operate to NS, which is obviously by the title a *National set of Standards*, interpretations of how it was applied in practice could vary.

I decided to sample for years of service, gender, race and seniority (PO and SPO). These factors appeared to me to have the potential to be significant, but the research would confirm this. Gender and race issues might be reflected in issues around discrimination within society in general, within the criminal justice system, within the probation service, within the offenders world etc.:

We can usually identify certain groupings or strata in a universe. This means that there is greater homogeneity within each stratum than within the universe as a whole...only if the stratification factors are related to the topic of enquiry is anything to be gained from stratified sampling.  
(Krausz and Miller, 1974, 34)

I sat in on interviews with pre- and post-NS PO's. I did not limit myself to observing only those PO's who I interviewed. I was able to sit in on an interview of a man with a history of violence and mental health problems, who was not reporting regularly and was losing his accommodation. The very experienced PO challenged him, put options to him and throughout treated him with courtesy and dignity. This was a skilled and sensitive interview, I could envisage a less skilled interviewer being hit by this man as he was very volatile. Whilst I would acknowledge that my observations are subjective, my reflection on these interviews, having re-read my post interview notes, was that the offenders were given plenty of time to discuss their personal issues. The four PO's that I saw interviewing were all prepared to challenge the offenders about their offending. With my knowledge of the probation genre I was confident that I had not replicated the mistake of Spradley:



...when we merely observe behaviour without also treating people as informants, their cultural knowledge becomes distorted. For human beings, what an act means is never self-evident. Two persons can interpret the same event in completely different ways...as an observer of *actors*, nearly everything went into my field notes in my language, using my concepts. Later when I began informant interviews, I discovered that what I had seen and recorded was not what tramps [the informants] saw themselves doing...in all cases, my descriptions tended to distort the culture I sought to describe. (1979, 33)

Participant observation and semi-structured interviews share some common characteristics, namely they are qualitative approaches to information collection. They both have the potential to yield a rich source of data, but there are difficulties that need to be understood and evaluated. According to Robson the researcher needed to be able to persuade audiences that the research was both 'believable and trustworthy' (1993, 66). Common sense, lack of bias and good presentation were necessary, but not sufficient, prerequisites. Thomas Holmes, a police court missionary, in his autobiography (1900, 9-10) commented that he and his peers were examined by an eminent Professor of phrenology; the study of the shape of the skull over various parts of known brain functions. He was told that he was found wanting. This branch of science is now discredited, but it is measurable.

Robson highlighted two key, fundamental issues which he called 'validity' and 'generalisability'. The former he commented:

is concerned whether the findings are 'really' about what they appear to be about. Are any relationships established in the findings 'true', or due to the effect of something else?...Generalisability refers to the extent to which the findings are more generally applicable...(1993, 66)

Ford, Foley and Petri also considered the concept of validity which in naïve positivist terms they agreed with Robson, namely that “valid data is that which really is a measure of what you say it is a measure of” (30, 1995). They took the analysis one step further by continuing:

Thus an indicator of variable X is valid if it is actually a measurement of X...[Early methodologists in the 1920's] went so far as to argue that there can be only one valid way of measuring any well-defined variable and that if one found oneself using two different forms of measurement then one was actually talking about two different variables even if they might be empirically related. (ibid, 30)

Ford et al drew a distinction between unitary types of measurement and the need to extrapolate from a number of indicators to shed light on a complex concept. The example they offered was alienation. From my own field of interest - probation practice, concepts around the notions of categorisation, control, rehabilitation, managerialism etc. also require that a number of indicators are identified. For Ford et al this is permissible, provided the indicators are rationalised, their measurability specified, explained and that this is done **in advance**. They also employed a hypothetico deductivist version of empiricism (Popperian) declaring that “Data will be valid if and only if they have been precisely specified in advance of observation.” (Underlining in original. ibid, 31).

Research findings need to be approached with caution and scepticism. Topics under investigation will typically encompass a number of different concepts that the researcher will attempt to ‘unpack’ using a variety of different measures. For the research to be rigorous and useful these measures/tests need to be ‘reliable’.

Robson urged caution, using an example of educational research:



Unless a measure is reliable, it cannot be valid. However, while reliability is necessary, it is not sufficient. A test for which all pupils always got full marks would be totally reliable but would be useless as a way of discriminating between the achievements of different pupils (there could of course be good educational reasons for such a test if what was important was mastery of some material). (1993, 67).

The converse of reliability is unreliability. The cause for this could be, according to Robson: **subject error** - random fluctuations on different occasions (would every test lead to full marks for example?), external forces e.g. tiredness, pre-menstrual tension, hay fever etc.. **Subject bias** - e.g. students attempt to please their teacher, are coached particularly for the test, tests are biased eurocentrically. **Observer error** - teachers ratings could be inaccurate, subject to the same forces of tiredness, pre-menstrual tension etc. as their students. **Observer bias** - e.g. teachers could be biased for/against testing on the grounds of their own ideology, favouritism/dislike of particular pupils. Some of the above arguments and examples are based on Robson (1993, 68). The concerns can be overcome (the extent of this may/may not be contentious e.g. 'Intelligence Quotient (IQ) testing') with appropriate safeguards and this will be considered further, later in the essay. Foley et al made the point that IQ testing would only be reliable if repeat testing produced the same result. (1995, 31).

### **Participant Observation.**

Burgess citing the work of Wax (1971) and Douglas (1976) located the start of participant observation research as "the fifth century BC when 'on the spot' reports were provided of foreign peoples and of the Peloponnesian wars. (1982, 2). The original collectors of information were unqualified in anthropology e.g. missionaries and other

travellers. The person credited with “being the initiator of intensive anthropological field research”, according to Burgess is Malinowski (ibid, 3). However Burgess also made the telling point that it was an “ideal” rather than “what he actually did”. (ibid, 3). What was integral to the research undertaken by Malinowski was the idea of ‘going native’ rather than using paid informants. However his diaries revealed loneliness, boredom, deep depression and hatred of his informants. He voiced in his diaries irritation and a preference to read novels rather than conduct his research. Indeed he appeared to hate and disliked the subjects, referring to them in disparaging terms and their impudence for daring to speak to him without proper respect.

In terms of male chauvinism, women natives were items of his sexual fantasy, casting serious doubt on his objectivity in this respect. Feminist theory was still a long way off. (See ibid, 3-4). Jupp when discussing feminist research drew on the work of Oakley, who argued that “formal, survey type questionnaires and interviewing...objectify women” (Jupp, 1989, 67). Oakley argued for semi-structured questionnaires which she did not see as either exploitative or hierarchical (see ibid, 67). ‘Sympathetic’, non judgemental participant observation ought to highlight these issues, clearly the gender, attitude and empathy of the observer are important considerations.

The above might be seen as a consequence or criticism of early participant study, this will be addressed in due course. Both Burgess and May highlighted the change from social anthropology to the Chicago School of sociologists, particularly the work of Robert Park who encouraged his students to go out and study “the constantly changing social phenomena of Chicago in the 1920s and 1930s.” (May, 1993, 111). The Chicago



School used a wide menu of methods, including traditional anthropological and journalistic; observation, unstructured interviewing, surveys, documentary evidence, statistical etc. This allowed for the potential for triangulation of data, to give an in-depth 'picture' of the phenomena being studied. This does not accord with the earlier view of Ford, Foley and Petri, namely that data is only valid when it is specified in advance of observation:

Practitioners shun what is known as the *a priori* (a proposition that can be known to be true or false without reference to experience), preferring the *a posteriori* (knowing how things are by reference to how things have been or are) (Ibid, 112)

May believed that Chicago research had two distinct traditions: firstly pragmatism - as people's lives are constantly changing, knowledge of these changes required entering into the world/culture "that people were busy experiencing" (ibid, 112) and secondly formalism - "While social relationships may differ from each other, they take forms which display similarities." (ibid, 113). These social/cultural norms take on a life of their own once formed and participant observation is intended to form an understanding on their evolution. This can be compared with the interviewing process (semi-structured or otherwise) which does not require an immersion into the world of the informant.

Polsky commented that: "The social scientist has no business attempting to 'adjust' people to the moral norms of his society or any other." (142 1971). This implies that participant observation has the potential for the researcher to have an 'impact' on the group under observation which would affect the data and the truthfulness of the observations. Participant observation requires 'moving into' the world of the informant, this can involve a great deal of suspicion and may 'contaminate' the data being presented

to the informant. Polsky writing (on my area of interest) crime, adopted a language reminiscent of Malinowski's:

Until the criminologist learns to suspend his personal distaste for the values and life-styles of the untamed savages, until he goes out in the field to the cannibals and head-hunters and observes them without trying to civilise them or turn them over to colonial officials, he will only be a verandah anthropologist. That is, he will be only a jail-house or court-house sociologist, unable to produce anything like a genuinely scientific picture of crime. (ibid, 145).

Punch undertook prolonged participant observer research with the Dutch police. He justified this approach, using a variety of sources, as the police were 'often held to be the most secluded part of the criminal justice system, they erect[ed] barriers against prying outsiders, falsified accounts for public consumption, structurally they were isolated and had intrinsic dangers. (1993, 184). As he became immersed in the role he became able to choose what he did. Ultimately he described an incident where he was able to point out two suspects to the police:

The pleasure at being right was an indicator that by now I had a strong identification with the work of patrolmen. I considered them my colleagues, felt a unity with the group, and was prepared to defend them in case of physical (or intellectual) attack. (ibid, 191 - my emphasis added).

Other researchers have written about the danger of 'going native' ie of becoming over immersed in the thrill and excitement of becoming one of the group being studied:

for the most part I spoke, acted drunk and generally behaved as though I was not doing research. Indeed I often had to remind myself that I was not in a pub to enjoy myself, but to conduct an academic enquiry and repeatedly woke up the following morning with an incredible hangover facing the dilemma to bring it up or write it up. (Hobbs, cited in May, 1993, 118).



These quotes on police participant observation serve to show how recall, objectiveness and impartiality can be compromised when one is dealing with an isolated group which have a strong sub-culture and mystique . Indeed Punch commented that police researchers tended to “end up with more positive attitudes to the police” (Punch, 1979, 186) as they appreciated the parameters of their work situation. He was also disparaging about “the procession of pickpockets, ponces, prostitutes, dealers, muggers, car thieves, drunken drivers, burglars, army deserters, shoplifters, delinquents and suspects accused of violence with knife or gun” that the police have to deal with, as well as the fact “Some of these people literally stink” (ibid, 196-197). Whether these particular responses could be regarded as valid or reliable, due to the degree of (over)identification becomes a matter of conjecture or debate. It is also in sharp contrast to Polsky, who was concerned that research on criminals could lead to the researcher being questioned on what they knew about illegal acts, because of their contact with the criminals. In my situation, I was conscious of my potential sympathy towards PO's, however there had been a significant gap between my practice and my return to a field office as a researcher. I was genuinely curious about how the intervening time had changed practice, without a presumption that the job had changed beyond recognition.

### **Semi-Structured Interviews.**

Moving from participant observation to semi-structured interviews is moving from ‘focused’ interviews to more structured, prepared and planned interviews. The former can be described:

as a speech event, we see that it shares many features with the friendly conversation. In fact, skilled ethnographers...may interview people without their awareness, merely carrying on a friendly conversation while introducing a few ethnographic questions. (Spradley, 1979, 58).

In sharp contrast semi-structured interviews are planned and, according to Wengraf, have the purpose of:

1. developing a 'model' of reality that should be in accordance with 'the facts', or
2. testing a constructed model to see whether it is confirmed or falsified by the 'facts'
3. doing both of the above. (1994, 13)

Wengraf (1994) described semi-structured interviews as:

interviews where research and planning produce a well-researched and carefully-planned interview in which probably half the questions and responses that the interviewer makes have not been planned in advance, and in which most of the informant's responses are unpredicted also...such interviews require more preparation and more subsequent processing than the highly structured interview which is more typical of market research. (ibid, 14).

Interviews are transcribed and can be compared with post-interview debriefing notes, which include non-verbal communications recorded by the interviewer. This allows for triangulation of the data. Jupp commented that this form of interview could be used on a large scale and he cited Baldwin and McConville's (1977) 121 interviews with defendants who had changed their plea on 'plea bargaining in one Crown Court' and Bennett and Wright's (1984) 128 interviews with convicted burglars. (Jupp, 1989, 68). The interviews allowed the respondents to use their own informant language and found that burglars 'concepts and terminology' did not accord with the established view, changing the 'theory' (ibid, 68). The sheer number of interviews will make the responses **both** reliable and valid, as consistent themes emerge.



Wengraf discussed the issue of truth and lack of truth from informants, he drew on the concept of the interview as a 'fuzzy Kosko box'. Kosko argued that we live in a world of shades of grey, only at the extremes will there be black and white. To understand this, the 'interview room' and the interview itself is viewed symbolically as going on inside a box. Mostly the interaction and the information obtained will be 'fuzzy' - a mixture of the potentially true and the unconscious/conscious interpretation/presentation of the informant. Clearly the black/white extremes are also valid, but the symbolism exemplifies the nature of the interaction. The 'truth' may lie outside of the 'fuzzy box'. (Wengraf, 1994, 37-38)

Wengraf also highlighted that the theory language of the researcher must not be confused or used with informants. In this respect semi-structured interviews have a firm underpinning and the Rose- Wengraf 'feedback or circular' model allows the indicators from the data, to reinform the theory and the central research question, adding to the validity and reliability of the research. Informants allow the researcher to modify and understand their theory, theoretical propositions and operationalisation; thus rendering the process dynamic. (ibid, 57). This is in accordance with the view of Ford et al that using 'pilot surveys' "provide an advance check on the RELIABILITY of instruments." (Ford, 1995, 91 emphasis in the original). Piloting also enables superfluous, unreliable questions to be jettisoned. Ford et al warn that making questions more reliable should not lead to the assumption that they will be valid. Questions that cross-check answers can help in this respect as they check for reliability and consequently validity. (ibid, 91).

In my own practice on semi-structured interviews, I found by asking open ended questions and following up interesting developments, I was able to learn about my central research question. Ethically the interview did not have a duplicitous agenda, which was 'open'. I was in no doubt that the information was both valid and reliable *for that individual*. It is important to note that both conceptual frameworks under consideration have the ability to adopt the process of triangulation. They do not rely simply on the spoken word. Although it might appear that I am biased against participant observation by the use of selected quotations that show researchers who have 'gone native', and hence are neither valid nor reliable in their findings, this does not have to be the case. Rather for participant observation to be valid it requires the researcher to be scrupulous in analysing their role and interpretation of the data, which must be checked out with the informants. Everitt, Hardiker, Littlewood and Mullender commented on the "extensive epistemological debate about the nature of feminist enquiry and the validity of its knowledge." (1992, 29). This raised questions on the issue of gender as a theoretical concept, whether researchers had to be not just gender sensitive, but of the same gender as the informant? There was also the issue whether, for example, feminist theories of criminology were substantively different from males'?

In an ideal world the researcher would undertake a variety of different research strategies to increase the potential for reliability. The use and evaluation of matched control groups can help to strengthen what Jupp has described as 'internal validity', but he detailed the proviso "that experiments carried out in criminology can only be rough approximations to the experimental ideal." (1989, 54). The idea of an experiment is the antithesis of participant observation, but participant observation in at least two different



locations gives potential for comparison even if it is not 'controlled'. It is similar to the idea of multiple semi-structured interviews. External validity Jupp described as the ability to generalise from an experiment to the external world e.g. a simulated prison experiment to prisons per se. He cited the work of Bracht and Glass, who elaborated on Campbell and Stanley, to further divide external validity into *population validity* and *ecological validity*. The former is concerned with extrapolations to general populations, the latter to "contexts, settings and conditions." (Ibid, 55). Again, both qualitative methods have potential for tentative wider evaluations.

Clearly the researcher needs to exercise great caution not to overestimate the significance of their findings and be particularly careful about external validity generalisations. As stated, the process of triangulation would increase the likelihood that the conclusions were likely to be valid. An over reliance on one research method, especially with a limited sample, will increase the possibility of misjudgement, misinterpretation and error. The sample population used in the research was devised to broadly represent a mixed sample of experience, age, ethnicity and gender. No claim is made that it represented a completely random population. Some of the staff were known to me but I was not aware of their views and they were not chosen to give an already known view point.

## **Chapter Two**

### **The Changing Nature of Punishment and Supervising Offenders:**

#### **Punishments and Help Offered to Those Incarcerated**

The history of crime and punishment highlights the changing purpose(s) of imprisonment and how the state dealt with the spectrum from serious to petty offenders, including vagrants. It demonstrates that much of contemporary concern is not new, that community service was being practised hundreds of years ago, and that the violent and cruel nature of earlier society can obscure the fact that philanthropic concern existed before the generation of John Howard. Garland in Punishment and Modern Society warns against adopting any 'reductionist' arguments to explain the changing nature of punishment, meaning that single arguments that focus on areas such as economics (e.g. Scull 1977), morals, control will not be sufficient. Instead in arguing against a functional approach, he prefers the more complex explanation of "multiple causality, multiple effects, and multiple meaning." (1990, 280).

The role of religion will be considered, including the complex relationship between the church and the judiciary. This can be linked to the nature of punishment that changed from an ethos of inflicting pain to one of instilling discipline in the offender. We shall see that even in the twentieth century religion did not prevent the possibility of corporal punishment (Paterson, 1951) and that the earlier device of 'benefit of clergy' could be used to mitigate the worst excesses of a savage criminal justice system and the maintenance of a moral order.



Authors such as Foucault, Melossi and Pavarini, and Simon are used to examine the nature of punishment and how the state use of power was not unfettered, but was a disciplinary instrument linked to the contemporary mode of production and the maintenance of good order. Civil unrest and disobedience was a regular problem from (before) Tudor times and this is linked in this chapter to how the most impoverished citizens, namely the beggar, was treated. Responsibility from the time of the Middle Ages for the relief of the destitute was undertaken by the church and there is evidence that citizens were prepared to give their charitable wealth to avoid prisoners starving. Philanthropic support for the disadvantaged was not therefore a recent phenomenon and will be shown in a later chapter to have been instrumental in the formation and growth of the probation service.

The use of transportation, as an alternative to capital punishment, is considered, which had the advantage of mixing mercy with the economic advantage of populating the colonies (with both men and women). For the homeless and rootless beggar there was still vicious corporal punishment and imprisonment. As transportation came to an end so hard physical labour was substituted in a strictly regulated and individualised regime. The notion of transportation is still present in other advanced western societies. Ash commented that the United States has deported “hundreds of thousands of American residents to ‘homelands’ that many have not seen since early childhood” (2000, 5). Recent legislation removed judicial discretion to mitigate and offenders have been transported to countries like Haiti where they are incarcerated, probably illegally, in appalling conditions as they are seen as being highly at risk of reoffending.

The fear of the working class 'underclass' was present from feudal times and, as seen above, is still present in some countries. This chapter will focus on what happened to those in England who were perceived as both 'work shy' and 'unrespectable', namely that the young were to be given a childhood to be socialised whereas adults were to be punished. It is remarkable that in the punitive atmosphere that prevailed that the Gladstone Report of 1895 on prisons could be so progressive in its argument for rehabilitation.

The chapter concludes with the views of Max Weber that 'rational conditioning and training of work performances' became more important than the precise metering of punishment to offenders, which came to be seen as inefficient and not effective or economic.

### **The Role of Religion with Offenders**

Durkheim made links between primitive societies and religion, whereby the penal process took on a religious meaning. The two most important cultural influences on penal policy, according to many historians, are religion and humanitarianism (ibid). According to Potter there was a strong relationship between the church and the judiciary. He pointed out that the first recorded execution was in AD 695, when it was ordered as an 'exemplary punishment' for theft to 'discourage others'. (1993, 2) This symbiotic relationship grew because "homicide...struck directly not only at the human but at the divine order." (Ibid, 3) Mercy could be used on occasion to temper justice and the myth



of 'benefit of clergy' is described later in the chapter. The influence of religion in the rehabilitation of offenders was strong and consistent. Even in the twentieth century key reforming officials, like Sir Alexander Paterson, Commissioner of Prisons in the 1930's, and founder of the Borstal system, mixed compassion with religion, but also underpinned rehabilitation by the threat of corporal punishment as a sanction:

Why are so many burglars bowlegged?...the two phenomena of bowleggedness and burglarious habits are apt to emerge from the same environment. It is in the overcrowded home that rickets may commonly be found, and rickets are a common cause of bowlegs; it is in the overcrowded home that habits of honesty are with most difficulty taught, and hence also the greater danger of a burglarious career. (Paterson, 1951, 30)

A prisoner who ceases on discharge from prison to break the law has changed his life, and such a thing can only proceed from a change of heart. To religion, therefore, which touches the deepest springs of human conduct, we look for the redemption of the individual, for it can furnish to the weak and unstable the highest ideals and the sternest inhibitions. (ibid, 123)

...when its [corporal punishment] occasional use is contrasted with the likelihood of indiscriminate punishment if it is abolished, even the optimist will vote for its retention. (ibid, 138)

### **Techniques of Gaining Control of the Population, by Discipline of the Mind.**

Foucault argued in his influential book Discipline and Punish, after a lurid description of the dismembering to death of Damians convicted of regicide in France; that punishment changed from a disciplining of the body to the disciplining of the mind. Instead of the public spectacle of punishment, it was taken behind the anonymous gates of the prison, where offenders were given either precise amounts of physical pain via a certain number of strokes of the lash, or metered useless tasks like walking on the treadmill 'grinding

the air'. This was important as a measure for the general population to accept the disciplinary control of the state. For Foucault the aim of prison was not to punish less but to punish better and to "penetrate more deeply into the social body" (Matthews, 1999, 12).

Rusche and Kirchheimer in Punishment and Social Structure mentioned that:

Every system of production tends to discover punishments which correspond to its productive relationships. It is thus necessary to investigate the origin and fate of penal systems, the use or avoidance of specific punishments, and the intensity of penal practices as they are determined by social forces, above all by economic and then fiscal forces. (1939, 5)

Thus in times of slavery, penal slavery existed; in times of capital there was the introduction of the fine. For those unable to pay, they believed that corporal punishment was the imposed alternative which allowed the cost to be expunged. Hence the system could be flexible in how deviants were punished. Prison fulfilled a disciplinary role, but this did not necessarily mean being locked up, away from the public eye: "For custodial purposes, at least, the stocks is probably our oldest prison." (Pugh, 1968, 1). It is interesting to note that Pugh's comment on the stocks as a mechanism that deprived the offender of their liberty could broadly apply to any punishment that had this effect, including day centres, community service etc. The stocks were used mostly used by local courts and as well as immobilising the offender there was an element of 'reintegrative shaming' as it was a 'right of passage' to allow them to return to society, but it left:

them open to public display...Other evidence shows how the stocks could, on occasion be used to give very full publicity to the offence being punished (Sharpe, 1990, 20)



Melossi and Pavarini commented that in the sixteenth century, 'parishioners' paid a rate to look after the needs of the 'impotent poor', but there was not a system to help the unemployed who were repressed. Houses of Correction were later introduced to systematise this especially for those refusing work. Their comment that "Labourers were obliged to accept the first available job on whatever conditions the employers cared to establish" (1981, 15), has an uncomfortable resonance with the policies of 'New Labour' under the 'New Deal' in late modernity.

Jonathan Simon in Poor Discipline commented that in the sixteenth century, prosecution was almost entirely dependent on private prosecutors, often the victim of the crime. To prevent abuse of power, recognisance bonds were used release suspects on bail, thus known individuals even on serious charges could be released, when strangers on lesser charges might remain in custody. Peace bonds were used for lesser acts that threatened the peace, to ensure good behaviour. The use of private citizens to act as sureties ensured that elements of control were exerted to maintain good order in the community.

### **The Threat of the Destitute**

The violence of the Tudor era (Elton, 1985, 5) also affected the actions of central government. Throughout this era each monarch faced at least one serious uprising and there were correspondingly regular Acts which were intended to give relief to the poor and suppress vagrancy. (Pound, 1986). Furthermore, until 1576 the government did not distinguish between the:

"professional beggar" and the involuntary unemployed. The Act of 1531 stated that the "...Justice of Peace shall cause every...idle person...to be tied to the end of a cart naked and to be beaten with whips throughout the same market town or other place till his body be bloody by reason of such whipping; and after such punishment and whipping had, the person so punished...shall be joined upon his oath to return forthwith without delay in the next and straight way to the place where he was born, or where he last dwelled before the same punishment by the space of three years and there put himself to labour like as a true man oweth to do." (Statutes of the Realm, iii, 328 in Pound, 1986, 96).

The intention of this Act was obvious, it was an attempt to ensure that citizens were to be conforming and that deviants, as a sanction, would be publicly shamed and punished. This can be compared with the twentieth century response to vagrancy which was to regard the homeless as "invisible". The state could then ignore its obligations to provide assistance to the homeless. A further theme that can be traced from Elizabethan times, through the era of the Poor Law to the present day is the concern to ensure that people did not develop a dependency on the state to provide for their needs. The government introduced a compulsory rate in 1572 and the Act also introduced the principle of the involuntary setting to work of the unemployed, either in the form of public works or working with materials supplied by the parish. The Act of 1601 extended this and nominated:

overseers of the poor of the same parish" who were churchwardens or substantial householders, who "with the consent of two or more justices of peace as it is aforesaid, for setting to work of the children of all such whose parents shall not...be thought able to keep and maintain their children; and also for setting to work all such persons married or unmarried having no means to maintain them, [or] use no ordinary or daily trade of life to get their living by...it shall be lawful for the said churchwardens and overseers...to bind any such children as aforesaid to be apprentices, where they shall see convenient...And the said justices of peace or any of them to send to the House of Correction or common gaol such as shall not employ themselves to work, being



appointed therein to as aforesaid. (Statutes of the Realm vol iv,pt ii,962-965: in Pound, 1986, 98-99).

The responsibility for the relief of destitution throughout the Middle Ages was "assumed and accepted" by the Church. (Webb and Webb, 1927, 1). People bequeathed cattle and goods to the churches' flocks and stock but simultaneously:

the King, his Council and his Parliament" carried out laws of an opposite character to the almsgiving of the church and the "benevolent institutions", like "Craft Gilds and Municipal Corporations. (Ibid, 23).

### **The Growth of the Prison System**

Pugh provided a detailed analysis of the growth of prisons, both for the general population and for the church and also of the statutes that demonstrated that imprisonment was a punishment per se (pp 36-7 describing various statutes which imposed a custodial sentence for a variety of crimes). Furthermore:

Franchise prisons were held by ecclesiastical and secular Lords and served a group estates, hundred, a manor or even a soke or liberty within a town, and varied in capacity from a single room in a manor house to specially constructed part of a monastery. (McConville, 1981, 7).

These prisons did not constitute a national system but certain establishments were recognised as having national significance e.g. Newgate and the Fleet (Bassett in McConville 7, quoting from historical sources on the Fleet prison). McConville commented that:

For the involuntary debtor and criminal prisoner without resources, imprisonment could be a virtual death sentence. Besides the risk of disease, many must have starved to death as whatever may have been the previous position, by the thirteenth century prisoners were expected to find their own keep. (McConville, 1981, 17, examples also given in Pugh, 1968, 319).

By the fourteenth century it was generally assumed that prisoners could not exist without alms. Thus one of the arguments used for closing the gaol of Berkshire in Windsor, was that the local community was not large enough to contribute sufficient money to avoid starvation amongst the inmates. There was little evidence that "nourishment of prisoners" was a task undertaken by the "brethren of hospitals". However by the fourteenth century bequests and legacies to prisons and prisoners became very common e.g. 70 legacies for Newgate prison (ibid, 323) and the citizens of London donated 1.84% of their charitable wealth to the relief of prisoners. (W.K.Jordan, in Pugh, 323).

There were financial incentives to keep defendants in prison, even if acquitted:

arrest once affected, the financial advantages of detaining prisoners "unjustly" were powerful, while the fee system made it difficult to ensure that prisoners were released from prison the moment their presence there was no longer warranted. (Pugh, 1968, 389).

### **The Export of Offenders**

From the thirteenth century onwards, the 39th clause of the Magna Carta effectively declared that arrest had to be for justifiable reasons. It is fair to conclude that in medieval times, prisons were nasty barbarous places but that the rich could buy more comfortable surroundings and possibly even choose their prison. Even if there was partial protection against false imprisonment for those accused of felonies, if an individual had offended against the Crown, either personally or politically, then it was



likely that the individual would remain in prison for a very long time. Prison overcrowding is not just a recent phenomenon and in order to contain the numbers held in prison and to remove beggars (as well as for many other reasons to be discussed later), transportation was introduced in England, Scotland and Wales. The first people to be transported, in 1648, were Scottish prisoners sent to the plantations in Virginia after being defeated by Cromwell. (Cameron, 1983, 29). Transportation was not available to the Courts in England and Wales as regular punishment in the mid sixteenth century, but convicts had been sent to the American colonies and to the West Indies over the previous 60 years. (Beattie, 1986, 472). There was a connection between the introduction of transportation and the galley service in France and Spain (an attempt was made to introduce this sentence into England in 1602).

The "middle" stage in transportation began in 1654 when a group of convicts had their death sentence commuted to transportation "to some English Plantation" however if they returned to England during the following ten years the pardon was to be considered null and void. (Ibid, 472). Transportation became a common alternative to the death sentence when offenders could be sent to the colonies for committing "capital but not vicious" offences, mixing royal clemency with public advantage. The Bridewell was an institution, opened in December 1556 to cater for the able-bodied poor, as opposed to the "succourless poor child, the sick and the impotent." (McConville, 1981, 29). There had already been institutions opened for the poor, sick, and orphans, but no institutions for the "vagabonds and runnagates". At a time when savagery was slowly being replaced by reason, the beggar was doubly hated as they were not stakeholders in:

a society which ranked, not cleanliness (of which it had scarcely heard) but industry, next to godliness and loyalty and which condemned idleness as both a sin against God and crime against the Commonweal. (Bindoff, 1978, 293).

The savagery of punishment and its “essence of...irrational, unthinking emotion...was the emotional reaction contained within it, the “authentic act of outrage” (Garland, 1991, 32). In a Durkheimian sense punishment was a reaffirmation of common beliefs to strengthen social cohesion within the ‘collective conscience’. Durkheim saw the move from hanging to imprisonment and/or transportation as resulting from two different phenomena, firstly the evolution of society from a ‘simple’ to a more ‘advanced’ or modern social type with a new ‘moral faith’; secondly, he distinguished between ‘religious criminality’ and ‘human criminality’, where in a simple society all crimes against the ‘collective conscience’ were of the ‘religious criminality’ type and invited a savage response. (ibid, 38) The role of punishment was to reassert the moral order.

### **Positive Custody?**

The Bridewell grew, the first example, coupled with the Houses of Correction, of a system of imprisonment to supplement the savage imposition of community sentences: branding, whipping, and hanging, as well as the predecessor of community service - cleaning out the city ditches which also served as the city sewers. Entry into the Bridewell could be prefaced by a public flogging, coupling retribution with the reformation." (McConville, 1981, 33). However there were also productive trades (25 by 1579) and a number of young apprentices were trained. Prisons at this time had a purely custodial function and this allowed the gaolers to engage in transactions with



their prisoners. The Bridewell did not suffer the degree of "corruption and extortion" that characterised the later Houses of Correction." (Ibid, 36) There was a difference in function between the Houses of Correction and the earlier prisons in that as the name implied, detention was for a longer period and was:

Systematic, [the] 'positive' confinement was directed at creating a new individual, one who had been corrected, trained and transformed into an ideal encompassing the qualities docility, malleability and hard work. Such labourers would meet the needs of a nascent capitalism." (Dobash and Dobash, 1986, 22-3)

They described a patriarchal system in the middle ages that reinforced the subjugation of women (80-90% of those accused of witchcraft were women (ibid, 17)). Thus women could have a:

"scolds bridle" placed on their heads with a spike or pointed wheel inserted into their mouth." this spiked cage was intended to punish women adjudged quarrelsome or not under the proper control of their husbands." (ibid, 19)

Women could be ducked into the pond fixed to a ducking stool and these public humiliations were designed to reinforce the power, right and ability to punish of the patriarch, church and Crown.

### **Circumventing the Gallows**

One rather unusual anomaly in the Courts dating back to medieval times, was the possibility of claiming "benefit of clergy". The intention, by the fourteenth century, was that if an offender could prove clerical status then (s)he could avoid the gallows. Over the centuries the "proof of literacy" became very liberal, resulting that:

the demonstration ...usually took place in the court just before sentence was to be pronounced by the prisoner being asked to read a verse of the Psalms. That was to be the means by which clergy became a massive fiction that tempered in practice the harshness of the common law rule that virtually all felonies were capital offences. (Beattie, 1986, 141)

This escape clause was progressively restricted as the practice was usually to release the offender after its successful pleading, the linking with the ecclesiastical courts was broken in 1576. The judge could imprison clergied prisoners for up to a year, but this rarely happened. In the eighteenth century the reading test was abolished and the ability to use the benefit of clergy depended on the nature of the offence. It could only be used once, but in a century that was notoriously bloody, the 1706 Act saved many illiterate men who would not have previously qualified from the death sentence (ibid, 143). Transportation began to be used seriously from 1718, when "a discretionary power was given to judges to order felons who were entitled to the benefit of clergy, to be transported to the American plantations...[this] continued ...till the commencement of the War of Independence, 1775." (Mayhew, 1971, 92) After the outbreak of the American War a plan for penitentiaries was considered by Parliament but not followed through and in 1784 an Act was passed allowing the King to transport offenders and transportation resumed. In 1786 future colonies were fixed, by an order in council, to be the east coast of Australia and the adjacent islands (see Hughes', 1987, Shaw, 1966 for detail on transportation).

In 1787 an 'epidemic of whipping for vagrancy occurred' (Webb and Webb, 1927, 374), although there was not a regular pattern to the punishment. It would appear to have varied according to the whims of the local Justices of the Peace. Occasionally the Lord



Mayor and Aldermen of the City of London would clear the street of prostitutes, sending them to Bridewell for a whipping and possibly hard labour. There were 60 whipping posts (and 18 prisons) in an area of approximately 9 square miles implying a whipping post every few hundred yards. For the Justices of the Peace there was a terrible dilemma whether to subject a poor unfortunate beggar to the public humiliation of a vicious and bloody whipping or else to send them to prison:

The physical horror and moral contamination of the gaols, of which John Howard had rendered the more intelligent Justices acutely conscious, made them loth to sentence mere beggars or poor travellers to imprisonment. (Ibid, 375)

Thus the dislike of one punishment implied the other by default. It was unclear if the judges were consulted before the introduction of the Transportation Act, but they gave it their enthusiastic endorsement:

At a session of the Old Bailey in 1719, for example, twenty five of twenty seven prisoners convicted of clergyable offences were sentenced to be transported. (Beattie, 1986, 506)

Beggars and vagrants might also be "warned off" and be provided with a "pass" to get to their own parish. The Act also significantly transferred power from juries to judges because it abolished the distinction between grand and petty larceny. Hitherto the maximum sentences had been respectively hanging and corporal punishment. The jury had the discretionary power to find a defendant guilty of simple larceny of under a shilling which ensured a maximum sentence of a whipping. Subsequently a prisoner convicted of any non capital offence could be dealt with as the bench decided. This transfer of power was no accident and of the non capital sentences imposed in Surrey in the 30 years after the Act, compared with the previous 50 years, whereas previously:

60% of the men convicted of clergyable offences or petty larceny were allowed their clergy and were branded on the thumb and discharged, in the generation after 1718 that same proportion was sent to the American colonies and fewer than one in ten were granted clergy...The effect on the treatment of women was...significant, for it ensured that the largest proportion of the women convicted of non capital property offences would be banished from the country. (ibid, 507-508)

There was a further sanction available in the country to reinforce the power of the court, if the twice a year assizes, or Quarter Sessions (four times a year) failed to impress the local populace. The offender could be summoned to Westminster, or "the full panoply of the law" could be employed for "exemplary hangings or at least exemplary trials...deemed necessary for the public peace." (Hay, 1975, 31) It is interesting to note that transportation did not become the automatic sentence for non capital offences. It was still possible to be given the "branding of clergy", with or without a period in a house of correction. Petty larceny could still result in a whipping and discharge. In eighteenth century England when the masses were "excluded from political representation, food riots, machine smashing and much poaching can indeed be seen as proto-political resistance" (Lea, 1999, 309). Transportation was the most severe sentence available and the judge would consider "the seriousness of the offence and to the character of the prisoner, as far as they could learn about him in court or from his friends and enemies in the locality." (Beattie, 1986, 509) Lea, drawing on Foucault, also made the point that illegality as well as resistance could be seen as "tolerated illegalities" a concept from even feudal times (Lea, 1999, 309). For those who could no longer be tolerated, it would appear that transportation was a convenient way of getting rid of petty persistent offenders and problem families. Although the Act itself had commented on "a great want of servants" in America. Transportation filled a gap



between hanging and the granting of the branding of benefit of clergy. It thus created a middle ground for the punishment of petty and serious offenders, which encompassed the majority of defendants appearing before the courts.

Gatrell in The Hanging Tree offered an explanation for the rapid change in the 1830's away from hanging. He believed that prosecutions became more effective and too many executions were taking place to be sustained. McGowan (2000) was not convinced of this explanation which he saw as too functional and mechanical. Whilst no alternative explanation is posed by him, his article is a timely warning not to simply accept arguments based on emotion, psychological causation or the responses of the middle or lower classes as articulated and recorded by individuals such as Byron.

What is clear from the figures is that the British government relied heavily on transportation as its principal secondary punishment (after hanging), until 1852 when "the Australian colonies declared their final intention of ceasing to accept Britains criminal dregs." (Tomlinson, in Bailey, 1981, 127)

### **Ensuring Punishment**

It has been previously indicated that vagrants were not necessarily transported, though they were likely to be driven out of the larger towns without thought of what would happen to them. Parliament grew so alarmed at the practice of sending vagrants on without punishment, that in 1744 power of searching vagrants bundles was given, in order to ascertain whether they had any money to pay towards the cost of their journey

to their parish. Furthermore, the Act of 1714 which stipulated that no parish need receive a vagrant before giving them a whipping was expanded in 1792 to ensure that vagrant males were given a public whipping. (Webb and Webb, 1927, 381-382) It should be recalled that transportation had ceased in 1776 and as Howard commented: "Parliament had suddenly discovered, in the face of rebellion in the colonies, that 'Transportation to His Majesty's colonies and plantations in America [is]... depriving the Kingdom of many subjects whose labour might be useful to the community...(16 Geo III)". (Howard, 1960, 14) An Act was then passed which had the effect of substituting hard labour for transportation, with Blackstone and Eden's proposal, adopting John Howard's principles of solitary cellular confinement when at rest and hard physical work. John Howard had stressed four main points, namely: "systematic inspection, adequate sanitation, security of buildings and abolition of fees." (Ibid, 15)

Sir Robert Peel, Conservative Home Secretary, had been unhappy at the laxity of transportation which he wanted to see as a more severe sentence if it was to replace the death penalty. Even solitary confinement was not seen by him as offering a common punishment to offenders, as individuals would respond in different ways to the deprivation. The Victorian prison system was constructed around strict individualism (Garland, 1985). Long terms of imprisonment were available in prisons like Millbank, which held 800 inmates. For Peel:

When they lived well, their lot in the winter season was thought by people outside to be rather an enviable one. We reduced their food, and from the combined effect of low but ample diet, and...depression of spirits...there arose a malignant and contagious disorder, which emptied the prison, either through the death or removal of its inmates. (Cited in Shaw, 1998, 145)



For inmates there would also be compulsory attendance at religious services. Although the principle of hard labour was established, which lasted well into the twentieth century, the first institution was not built using these guidelines until the nineteenth century, because of John Howard's inflexibility. The above quotation serves to inform that other options could not be considered as 'soft'. John Howard insisted that the prison had to be built in Islington and when this proved contentious he resigned from the Supervisors team set up by Act in 1779. The delay, followed by the resumption of transportation to Australia, held back the growth of imprisonment, instead of transportation. (Howard, 1960, 15-16) The idea of cellular confinement, envisaged in the Act of 1779, was instituted in the building of Pentonville Prison in 1842, which used as its model the prison in Philadelphia. It should be recalled that until this time conditions in the prisons were scandalous.

In 1775, John Howard published The State of the Prisons in England and Wales. The abuses were described as being 'physical and moral'. The first referred to bad food, bad ventilation and bad drainage; the other referred to lack of prisoner classification, and the lack of separation between the different groups of inmates. Hinde mentioned that there was an Act in 1776 which suggested that instead of offenders being sentenced to death or transported, they could instead be sentenced to hard labour dredging the river Thames. These prisoners were to be housed in prison hulks, moored in the Thames and this form of punishment started three years later. Many of these prisoners were to perish of cholera and other diseases before the hulks were scrapped, this was not to happen for many years and as late as "January 1841 there were 3,552 convicts on board the various

hulks in England." (Mayhew, 1971, 198) Conditions were appalling, with vermin infested clothing of the unfortunate prisoners and also of a chaplain carrying out a burial service for hulk inmate victims of cholera carried out at a "distance of a mile from the grave and letting fall a handkerchief...as a sign that they were to lower the bodies." (Ibid, 200)

Prisoners were locked into the holds of the hulks where there was no oversight from the authorities and inmate was at the mercy of fellow inmate. The concept of through-care was thus totally lacking, survival literally being the only hope. It is surprising to learn that according to the official records, prisoners that survived to be released did well:

It should be remembered, let us add, by the opponents of the ticket-of-leave system, that although it is from these condemned hulks, where the men are herded together and are well pretty free to plot and plan as they please, that they are turned upon society, nevertheless according to the directors report..., of five hundred and forty-four convicts discharged in 1854 from the Woolwich hulks only, and one hundred and six discharged before that period - in all six hundred and fifty convicts - there have been but six received back with licences revoked for misconduct." (ibid, 201)

This underlined the difficulty in linking the concept of through-care to after-care. There was clearly no assistance offered to the prisoners during their sentence, yet official records indicate a low failure rate whilst prisoners were on licence. The ticket-of-leave scheme, the predecessor of the parole system, was introduced reluctantly in 1853. According to Bartrip, it was the completion of the Portsmouth Convict Prison in 1852 which allowed a reduction in the use of the prison hulks. There was a somewhat emotive reaction in 1995 to the Conservative Government's decision to buy an American prison ship by many penal affairs groups which was to be used as an expedient way of coping with the rising prison population in the aftermath of Michael Howard's 'Prison



Works' policy. This is discussed further in a later chapter.

### **Dealing with the Children: Reformatories**

The early nineteenth century was an interesting time for youth justice also, as it was not until 1837 that Parkhurst Prison, on the Isle of Wight, was started as an establishment for boys (Cornish, 1978, 42). Until this time their treatment had generally been regarded as a disgrace. Parkhurst received 1,200 boys in its first eight years and these were mostly incarcerated for two to three years before being sent to Australia, to private masters. Courts were given the power to sentence youngsters under sixteen "first to 14 days or more in prison, then to a period of 2-5 years in a reformatory school." (Ibid, 43). The regime in these establishments was described as stern and rigid and there was a rise in number sent from about 6,000 in 1864 to 24,600 in 1894.

Historically concern for children has been relatively a recent event, with even a distinction between the poor and the destitute:

Initially the Court of Chancery was not the guardian of all children: those without property were considered outside its jurisdiction. (Morris, 1980, 1-2)

The reason why the state started to move from an acceptance of child labour to one where children were perceived as needing care and protection has been linked to a fear of working class rootlessness and disobedience. Thus the young working class needed a childhood and the family became the vehicle for exercising a socialising experience on its children and when it failed the state would take its place. Children were perceived

to be 'at risk' morally far more than they were seen as criminal:

By 1894 over 17,000 children from the 'perishing classes' were held in industrial schools, compared with a mere 4,800 delinquent children in the reformatories. (Ibid, 5)

At the beginning of the twentieth century the "experiments with probation" and the ability to give the Courts details of individual's backgrounds, coupled with the new Juvenile Courts (from 1908) gave an impetus to non custodial sentencing. (Cornish, 1978, 44-5)

### **Dealing with the Adults: Prison and Punishment**

In 1877 prisons were nationalised and local prisons began to operate in a uniform rigid way. Peel's Gaol Act of 1823 had had the effect of separating prisoners according to their status and the Prisons Act of 1865 required local authorities to build separate cells in jails (ibid, 37). Penal Servitude, a sentence started in 1853, consisted of three stages, firstly for approximately nine months, solitary confinement coupled with work in the cell, prayers and exercise; secondly, sleep and meals in a separate cell, but work with others; thirdly, conditional release under police supervision. There was also four classes which allowed a regime of progressive rewards for good conduct. (Priestley, 1985, 194)

Testimony from inmates between 1830-1914 gave graphic testimony to the brutality of prison regimes. What is of particular interest is of the role of the prison doctor at this time. Prisoners believed to be malingering could be made subject to severe electric shocks or be plunged into boiling hot baths (ibid, 176-7) Finally for ex-prisoners, the reality of discharge was of starvation, the workhouse or the return to previous bad



habits. The alternative was emigration and the Discharged Prisoners' Aid Society assisted 655 out of 2217 men to emigrate between 1860-2. (Ibid, 286) Summing up this time, Wiener (1990) eloquently made the point that a Lombrosian form of logic applied, drawing on the work of Mayhew and Binney, this was because there was a perception of "a work evading population of the "unrespectable," in which deviance blended imperceptibly into criminality" (Wiener, 1990, 25). There was a fear of the underclass as being "deeply rooted in human nature, in the "natural man" (and woman) who lay underneath the thin crust of civilisation." (ibid, 25) In the circumstances it was remarkable that the Gladstone Report (Report of the Departmental Committee on Prisons 1895) thirty three years after Mayhew was a document which expressed faith in the rehabilitation of offenders, rather than of punishment and fear of the underclass:

[T]hat some of (the community's) worst and most dangerous products, and that many of those who would lead honest lives under different surroundings, can be reclaimed by special and skilful prison treatment is emphatically maintained by many of the most capable and experienced witnesses. (Gladstone Report LVI, para 29 cited in Cornish, 1978, 38).

Unfortunately this view of 'special and skilful prison treatment' did not translate into the prison regime. Hobhouse and Brockway, in their now relatively neglected English Prisons To-Day: Being the Report of the Prison System Enquiry Committee, produced a damning indictment of a cruel and rigid regime. 'Hard labour' was described as sleeping on a plank bed, without mattress for the first fortnight, before a mattress was allowed; solitary confinement and no work for the first month; and a ten hour working day. After this the working day, as for all other prisoners was 8 3/4 hours (1926, 100-1) Work was picking oakum or horsehair, a very monotonous task; the workshops were typically low grade and deliberately deterrent in nature. Prison was more than just the

physical reality of the regime: “Freedom is not achieved by making the prison beds increasingly comfortable” (Bloch, cited in Gallo and Ruggiero, 1991, 273) They continued by analysing the purpose of prison which they saw as having two purposes: the ‘institutional function’ of the “destruction of bodies” and the ‘material function’ of the “productive use of the bodies themselves”. (ibid, 273) This was a change from the ethos of Pentonville (Ignatieff) where the use of the crank and the treadmill was deliberately to ‘grind the air’, unproductive, but precisely measurable punishment.

Physical punishment could also be measured, in 1937 George Benson MP produced a paper for the Howard League for Penal Reform entitled ‘Flogging: The Law and Practice in England’. In the introduction Cicely Craven, Honorary Secretary for the League commented that England “maintains her ancient faith in the power of the lash to induce morality” (Benson, 1937, 3). She was vehemently against physical punishment and Benson described the hysteria whipped up by campaigners to justify its continued use.

The author visited an elderly offender sentenced to life imprisonment in the mid 1980's who claimed to have received the ‘cat’ in prison and in view of his age and offending history could have done so. He expressed great anger and vehemence against this punishment many years later and it had not had any effect on his offending behaviour in a positive sense.

Punishment was there for those the system had not been able to control. Foucault, like Weber, viewed the changing nature of punishment, not in terms of excess, but rather that



traditionally punishment was irregular and/or inefficient and did not have what Foucault referred to as disciplinary power. It had to become both “efficient and rational” in order to produce ‘docile bodies’ (McNay, 1994, 92). There was one core essential element that had to be present, namely discipline:

The discipline of the army gives birth to all discipline. No direct historical and transitional organisations link the Pharaonic workshops and construction work...with the Carthaginian Roman plantation, the mines of the late Middle Ages, the slave plantation of colonial economies, and finally the modern factory. However, all of these have in common the one element of discipline. (Weber, 1948, 261)

Weber added that “hospitals and prison cells were not absent” (ibid, 261) but he made two further points which are very relevant to contemporary analysis of criminal justice thinking on policy. Firstly, that “the American system of ‘scientific management’ enjoys the greatest triumphs in the rational conditioning and training of work performances” and secondly, in terms of the effect that this had on people:

The individual is shorn of his natural rhythm as determined by the structure of his organism; his psycho-physical apparatus is attuned to a new rhythm through a methodical specialisation of separately functioning muscles, and an optimal economy of forces is established corresponding to the conditions of work...This universal phenomenon increasingly restricts the importance of charisma and of individually differentiated conduct. (ibid, 261-2)

What is of interest is the time scale of Weber’s observation on the changing nature of the individual’s ‘rhythm’. In this respect the observation is more pertinent to methods of control being applied to offenders at the end of the twentieth century, when cognitive programmes are in vogue to be applied ‘across the board’ without considering individual difference. Offenders are given ‘anger management’, alcohol awareness, and other courses according to a set programme which must not be deviated from, to maintain

programme integrity. But this analysis ‘jumps’ the growth and decline of the ‘treatment’ model, common in probation in the 1960's. The next chapter therefore will consider in detail, the formation and changes in probation in the twentieth century, when similarly the criminal justice system did not apply a moral justification but a managerial one (Garland, 1991, 72).

## **Summary**

This chapter has sought to introduce a number of key themes, namely that historically there has been a fear of those people who do not have a stake in society, notably the homeless and rootless, who have been dealt with severely and unsympathetically. Crime was a threat against the moral order and as society became more advanced so the nature of punishment changed with it.

In terms of gender, patriarchal society was well established and formalised in the middle ages and when it became an attractive proposition to export deviants to the colonies, as a source of cheap labour and to provide a population for these areas, both women and men were sent.

In terms of punishment, the ‘uneven’ savagery was replaced a measured and response, arguably violent, but with the intention of exerting a disciplinary force on the population.

This ‘economy of power’ was “more efficient and less costly in both economic and political terms” (McNay, 1994, 92)



## **Chapter Three**

### **The Changing Nature of Punishing and Supervising Offenders: The Probation Service from Inception Until 1984: From Idiosyncratic Individual Officers 'Rescuing the Fallen' to the Start of a Centrally Managed Organisation**

#### **From Primitive to Industrial Society**

The Weberian idea of scientific management techniques and centrally determined and defined behaviour might seem a long way from the nascence of a late nineteenth century probation service steeped in the idea of 'reclaiming' offenders and their redemption or salvation. The time before the inception of probation, can be characterised as being in a *Gemeinschaft* society. Kamenka, although denoting the concept a Weberian 'ideal type' described this as a period when:

the emphasis is on law and regulation as expressing, internalised norms and traditions of the organic community, within which every individual member is part of a social family...Justice is...substantive, directed to a particular case in a particular social context and not to the establishing of a general rule or precedent. (Kamenka, 1979, 5-6)

Thus in this period we can envisage the need for the prerogative of mercy rather than the embodiment of universal rules and regulations. This traditional form of justice was later replaced by what Kamenka referred to as the *Gesellschaft* society. In this time, linked to the rise of commerce and social mobility, justice is:

oriented to the precise definition of the rights and duties of the individual through a sharpening of the point at issue and not the day to day *ad hoc* maintenance of social harmony. (ibid, 8)

Harris believed that the probation service, which he described as marginal historically to the criminal justice system, and which dealt with marginal people, had a pre-modern approach until the 1960's when it took on responsibility for the supervision of ex-prisoners on parole licence, following the Criminal Justice Act 1967 (numbers increased year on year). This was the exercise of *executive*, rather than *judicial* justice decision making. According to Harris in the early 1970's, after the Criminal Justice Act 1972, the imposition of pilot projects for Community Service and the introduction of four Day Training Centres, the massive expansion of hostel places over a five year period. He located this as the time that:

Gemeinschaft came to an abrupt end...with the attempt of government to introduce rational planning into criminal justice generally and probation specifically. (Harris, 1996, 124)

In this context it is instructive to determine who are the criminals in society and do they constitute a particular stratum of society or class? We may never know whether people are good or evil, what is of more importance is whether people are capable of making moral judgements. To teach or coerce people to change required them to learn and obey the ethical code that underpinned morality (Bauman 1994). In terms of the work of the probation service, historically charged with the task of redeeming the drunk and the fallen, the change from Gemeinschaft to Gesellschaft coincided with a change to targeting the more serious offender.

### **Making Offenders Productive**

The early criminologists, like Lombroso, believed that the criminal was a 'moral



degenerate' or 'throwback' and this concept was referred to as atavism. Van Swaaningen, describing the work of another founding criminologist Willem Bonger, commented that the peaceful handling and resolution of conflicts in more primitive society's than in capitalist society's disproved the theory of atavism. Bonger believed that the growth of capitalism instead had a depressing effect on the working class as the "social climate was created which incites egoism and increases the opportunity to commit crime." (Van Swaaningen, 1997, 52) Van Swaaningen also linked this to the work of the probation service because Bonger argued that the 'workers' movement' should support the work of the probation service to 'socialise the workers' by working on 'social politics and education'. In furthering this aim, private enterprise would need to be compensated, presumably as they would not be maximising their profits at the expense of the workers.

In order to place the probation service into an historical context, I will begin the analysis from the eighteenth century, the period before probation started, although passing reference will be made to earlier times. Cesare Beccaria (1738-1794), a seminal writer on criminological law reform, put the formation of criminal laws into context, incidentally anticipating the notion of the stakeholder society:

Let us open our history books, and we shall see that laws, which are or ought to be agreements among free men, usually have been the instrument of the passions of a few persons. Sometimes laws arise from a fortuitous and transient necessity, but they have never been dictated by an impartial observer of human nature who can grasp the actions of a multitude of men and consider them from this point of view: the greatest happiness shared among the greatest number. (1986, 5)

Garland commented that Hay developed a theory of punishment in the eighteenth

century in England to make sense of the paradox that the judiciary retained, indeed expanded, the range of capital statutes, whilst the number hanged decreased. (1990, 118-9) The second paradox to exercise Hay was how did the ruling classes exercise their power after feudalism ceased to exert the tie between master and serf? Hay's response was to conclude that contemporary historians argued that a penal policy built on terror would not work. Indeed he contended the death penalty was more a deterrent to Judges and juries than to criminals. (Hay, 1975, 23) He also commented that:

The prerogative of mercy ran throughout the administration of the criminal law, from the lowest to the highest level. At the top sat the high court judges, and their free use of the royal pardon...[discretion] allowed the paternalist JP to compose quarrels, intervene with prosecutors on behalf of culprits, and in the final instance to dismiss a case entirely. (ibid, 40)

### **Issues of Power: From Control of the Body to Control of the Mind**

Foucault in his seminal work Discipline and Punish argued that a change occurred between 1750 and 1820 when there was a shift in the exercise of power. This power was exercised by control of the mind rather than on the body:

The carceral network does not cast the unassailable into a confused hell; there is no outside...The delinquent is an institutional product (1979, 301)

Prison continues, on those entrusted to it, a work begun elsewhere, which the whole of society pursues on each individual through innumerable mechanisms of discipline (ibid, 302-3)

Morris commented that it was the philosophers from the eighteenth century age of enlightenment that changed the nature of penal opinion away from its punitive origins.

Whilst acknowledging that the law was less directed towards the needs of the



“propertied and the powerful” he noted that the recipients “still come from the bottom of the social heap.” (1999, 8) It is helpful to retain the dichotomy and tension between punishment and rehabilitation, when considering the birth and development of probation as a criminal justice sanction in England and Wales. This is very pertinent today, as the increasingly punitive response to offenders on supervision invokes the public as the reason for breaching offenders who do not comply with the conditions. It could be argued that offenders who manage to keep to the high reporting level required probably do not require the level of oversight in the first place.

Pragmatism in the mid nineteenth century forced the Government to consider other methods of dealing with offenders than the imposition of long prison sentences:

From the 1850's Britain was faced with the problem of finding an alternative for the punishment of transportation and dealing with its serious offenders at home. The size of this task should not be exaggerated...transportees constituted only a relatively small proportion of all convicted offenders. (Bartrip, 1981, 172-3)

The Penal Servitude Act 1853 included ticket-of leave provisions which allowed prisoners to be released early. Responsibility for supervision, the predecessor to parole, was given to the police. Bartrip made the point that enforcement relied on ‘sanction’ rather than ‘effective detection’. Many men just disappeared without trace.

There was a panic over an outbreak of garotting which led to the Garotters Act of 1863 which added 50 strokes to the sentence of armed robbers or garotters. In the same year there was a Royal Commission which thought that the crime rate was:

...at least partly attributable to defects in the system of punishment now

in force, and to the fact that there has been an accumulation of discharged convicts at home, owing to the comparatively small number sent to a penal colony since 1853 (ibid, 169)

Garland commented that Foucault viewed the 'leniency of punishment' as a 'ruse of power' which allowed for the extension of control. This leniency could be both authentic and based on religious conviction, but the combination of 'humane treatment' and increased control was not incompatible (1991, 159).

Stedman Jones stated that in the 1880's there was a resurgence of fear about the 'dangerous classes' with a danger that this would spill over into the 'respectable working class'. He catalogued how the poor had been ruthlessly displaced in London for urban improvement and street clearance. This fear was exacerbated by the disturbances of 1886 and 1887, culminating in 'bloody Sunday' when the police and the poor clashed in Trafalgar Square. The consequence, according to Bailey, was the appointment of Sir Charles Warren as Chief Commissioner of Police who in turn appointed ex-army men as Chief and Assistant Chief Constable. Policy then led to the banning of all meetings in the Square and the police dispersal of demonstrations. Barbara Weinberger, researching into police activities in Warwickshire at this time, stated that there was a deep seated antagonism towards the police by the working class. This was in part due to the enforcement of the licencing laws and the tightening up of the Poor Law, as there were so many vagrants requiring relief in the 1860's.

In this context the opening of Pentonville prison in 1842 represented an attempt to cope with the crisis of what to do with offenders after the system of transportation to the colonies was subject to attack from two fronts, firstly as the colonists did not want more



criminals and secondly that this disposal did not accord with moral justice (Tomlinson, 1981). Transportation had been a useful method of ridding England of offenders since 1717, when the American colonies were first used for this purpose. Between 1775-1787, during and after the War of Independence this outlet temporarily closed, but it reopened in 1787 when Australia became the new venue for disposal. Pentonville, operating a regime of silence, had the unfortunate effect of sending many men insane and the details of its ethos and purpose are described in fine detail by Ignatieff. It was intended that offenders would spend a period of time in Pentonville before shipped to the colonies but this did not satisfy those in Australia and eventually prison was the sanction that remained for serious (and not so serious) offenders. A temporary expedient (renewed in the 1990's) was the use of prison hulks moored in the Thames for offenders. The fact that conditions were appalling might not have changed the situation but the reality that 'gaol fever' could also be caught by respectable people did. Between 1847 and 1849, in addition to the 2000 prison places in Pentonville, Millbank Penitentiary and Perth prison (in Scotland); a further five establishments were constructed to house 1,200 inmates.

### **The Early History of the Probation Service: The Position of the Mission**

The probation service, legitimised in the 'Probation of Offenders Act' 1907, was the formal vehicle for the judiciary to be able to sentence offenders to supervisory guidance (or at least before 1991 with the sanction of the offender being returned to Court for resentence, if they failed to comply with the order). Many books have been written on the probation service (eg Bochel, Page, Jarvis), but they have tended to concentrate on

the history as narrative, without employing an analysis of why these changes occurred. The probation service has undergone a number of major changes during the twentieth century and indeed this chapter is being written at a time of great uncertainty, with a change of name likely to be announced and the results of a major prison-probation review to be published, with the likely outcome of probation becoming a unified national service ('Next Steps Agency'), with a National director, rather than local services held accountable to local committees. It seems likely that the service will be reorganised into 42 areas to coincide with police, court and health districts. This will allow for more sharing of information and joint working between the different organisations.

The probation service has undergone a number of radical changes in its history, from its original quest to reclaim drunks and then to help other 'fallen souls', using police court missionaries (Jarvis, 1972, 3). The first missionary was appointed in 1876 and the fascinating history of the growth and development of the service highlights some of the dilemmas still facing the probation service today, including how to engage with resistant offenders.

Preparation for work as a Police Court Missionary appeared to require a background of active church participation and temperance. One such wrote, rather amusingly:

'Rescue them', said my employers, 'and the last day of every month a small cheque shall be your reward.' 'How am I to do it?' 'Here's a temperance pledge-book; take pledges.' 'But there are others.' 'Give them tracts.' 'But there are the hungry and homeless to feed.' 'Give them tracts.' 'There are the poor wantons.' 'Take them to rescue homes, and let them work out their own salvation at the wash-tubs.' (Holmes, 1900, 40)



He described his first day, visiting a police court and getting the full flavour of the stench of the cells, in semi-darkness; and the misery of the prisoners, where a woman could be locked up with her child awaiting the payment of her fine and the sexes were not separated before being brought into the court. All the Court staff were male. He clearly felt overwhelmed at the prospect as he described walking into Kennington Park and once there crying like a child. Many of the offenders, described in the book, had drink problems and there was a major related problem of domestic violence:

Scan the [court] list, and you will see the part drink plays in it. 'Drunk and disorderly,' or drunk and something else, is appended to fifty out of the sixty names on the list. (ibid, 36)

A good example of the state of the art was provided, vis a vis the type of assistance that could be given apart from money, with the example of a woman with a drink problem and a history of violence. She had been thrown out of lodgings and a rescue home. The magistrate having decided that prison had not helped her, discharged her to the support of the police court missionary. He decided to take her into his home and give her the support of his wife's 'gentleness and sympathy'. However, unsurprisingly, she began to drink again and became insolent, insulting his wife:

'I heard you insult my wife.' 'Well, what of it?' 'Don't do it again, or it will be the worse for you.' 'I am going to do it now. I want to see what you will do,' she said. 'What do you think I will do?' 'Send for a policeman, give into custody, charge me, charge me. You are no better than the others. I should like you to do it.' 'No,' I said, 'I shall want no policeman for you. I can settle you myself, and this is how I shall do it.' I took her by the throat and gave her a good shaking. When I let go of her, she looked at me and I looked at her. I don't think she was the least bit afraid of me, but to say that she was surprised is to put it mildly. (ibid, 180)

Magistrates referred women with matrimonial problems to the police court missionaries,

although Holmes complained that the law “gave no relief or redress to husbands ‘possessed of drunken wives’” (Page, 1992, 29). A shelter for women which “received drunken women from the police courts *free of charge*... admitted there are many discouragements.” (ibid, 29-30). The Inebriates Act 1898 allowed the Courts to compulsory detain repeat drunken offenders in special reformatories.

Leaving work with offenders to untrained, even if well meaning people, clearly invited the possibility of a response, which could be described as somewhat violent. A probation officer at the time of transition from the old mission described himself as ‘Police Court Missionary, Probation Officer’, straddling the divide between the old and the new. His first chapter, entitled ‘What is a police court missionary?’, provided the following description of the qualities needed to be a probation officer:

He should be a twentieth century replica, in a modest degree at least, of Solomon of biblical fame, possess the patience of Job, be not too thin skinned, able to keep his temper under control...and possess sufficient courage not to quail at threats of physical violence...To all and sundry he should be a peacemaker. (Stanton, 1935, 15)

Concluding on the satisfaction of being a probation officer. He lapsed into lyricism, however his prose usefully pinpointed the redemption of the probationer as the object of his intervention :

As the earth breaks into loveliness at the touch of spring, when the trees send forth their leaves, and the landscape rings with the glorious songs of the feathered world making all things bright and beautiful, so the heart of the Probation Officer is filled with gladness when success in his work has been given him (sic). It becomes a pleasure to him to know that he has been able to influence his probationers for their good, that in some small measure he has helped to rescue them from the dangers of falling into the pit of moral self-destruction and that they have found there is something better worth living for than the gratification of self's lower



instincts. (ibid, 82)

The original ethos of the service, as exemplified by Holmes, was one of taking pledges, female missionaries soon joined their male counterparts and were employed by the Church of England Temperance Society (CETS). The 1907 Probation of Offenders Act which was heralded as a Act that would empty the prisons, did not have this result. The probation order was not a sentence in its own right but was a recognisance entered into, at Court, by the offender. The Samuel Committee of 1909 recommended “that in future legislation the term ‘probation’ should be applied only refer to release under supervision, and not to binding over without supervision or dismissal.” (Bochel, 1976, 147)

One further worry of the Samuel Committee was regarding the probation order and the media, highlighting the fact that concern over the power of the media is not a recent phenomenon :

it would mean an end to the appearance in newspaper reports of the phrase ‘dismissed under the Probation of Offenders Act’ which helped to encourage in the public mind the idea that probation was equivalent to being ‘let-off’. This ‘unfortunate’ idea was further fostered, the committee reported, by the words of the 1907 Act which suggested that probation might be used when ‘it is inexpedient to inflict any punishment, or any other than a nominal punishment’. (ibid, 147)

A contemporary writer outlined the sensitivity to publicity and its ability to affect legislation:

Law-Making opinion is merely one part of the whole body of ideas and beliefs which prevail at a given time. We therefore naturally expect first, that alterations in the opinion which governs the province of legislation will appear in other spheres of thought and action and will be traceable in the lives of individuals, and next, that the changes of legislative opinion will turn out to be the result of the general tendencies of English or indeed European thought during a particular age. (Dicey, 1905, 397)

Criticism of Dicey's hypothesis "that public opinion equals legislation and legislation equals public opinion" (Bartrip, 1981, 151) focused on its tautological nature. It did not accord with the earlier notion of changing the focus of punishment by exerting 'control of the mind', rather than the body. Denney commented that the 1907 Probation of Offenders Act did not see probation taking on a central role within the criminal justice system. Rather it was the Criminal Justice Act 1925 which created probation areas and the Probation Amendment Act 1926. May (1991) argued that this was a period of change when probation became an 'expert' within the criminal justice system, echoing the work of McWilliams who characterised distinct periods in the genesis of probation work. Denney further pointed out that probation training (discussed in detail later) changed after the implementation of parole and the implementation of the Seebohm Report in 1971.

The Seebohm Report published in 1968, recommended the formation of an "enlarged social service department" for each local authority which would be generic to replace the old separate "children, welfare, health, housing and education departments" (Denney, 1998a, 13). Probation entered the mainstream of social work and the training of probation officers passed from Home Office run courses to the umbrella of the Central Council for the Education and Training in Social Work (CCETSW), alongside the much larger number of social workers being trained. The Certificate of Qualification in Social Work (CQSW) was introduced by statutory instrument in 1971 and this established social work as a discipline within higher education (Denney, 1998a, 13)



## **From the Mission to Social Work with Offenders**

The early stages of probation were not concerned with considerations of punishment or public protection, redemption or salvation was the key issue. My personal communication with Mr Guy Clutton-Brock, the first Chief Officer of the London Probation Service in 1936 indicated that many probation officers did not see their probationers, after giving them 'five bob' and a bible. He was chosen for this role by Alexander Paterson, Head of the Prison Commission, when he was working as an Assistant Governor in a Borstal. He also saw his role as one of integrating 'casework' trained probation officers from university social studies courses with former missionaries who had been taken over by the Home Office in 1938 from the Church of England Temperance Society (CETS). This marked the start of a process of centralisation and the slow growth of Principal (later Chief) Officer grades. This highlights two further paradigms *contact with offenders* and the changing nature of the *contact, communication and relationship* between main grade probation officers and their middle and senior managers.

From their religious origins (as late as 1936 CETS would only appoint practising Christians) Probation Officers (PO's) were given a social work training and had the task of helping individuals to change and cease offending. As mentioned earlier the ethos of the service was based on 'casework'. The Criminal Justice Act 1948 stated:

It shall be the duty of probation officers to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them. (CJA 1948, Schedule V)

In the prisons, the origins of prison welfare can be traced back to 1936, when the National Discharged Prisoners' Aid Society appointed its first welfare officer to visit and undertake prison visiting in regional prisons. In the same year a full-time prison welfare officer was appointed to Wakefield, regional training prison. (Appleyard, 1971, 107) An important point on the relationship between the public and private sectors at this time was that the Police Court Missions and the Discharged Prisoners Aid Societies:

submitted to a considerable degree of state regulation, in return for which the state provided them both with funding and with a new kind of power over their clients, backed with the threat of imprisonment..[or] of with being compelled to report to the police. (Ryan and Ward, 1989, 89)

The consequence of this was the service becoming more scientifically based under the auspices of the Home Office. It is interesting to note the later replication of this as probation services, after the Criminal Justice Act 1991 (backed up with cash limits), were forced to devolve from 5% to 7% of their budget to the voluntary and private sectors. These sectors took the money and in return had to conform in their contact with offenders to national standards contact and sharing of supervision contact information.

McWilliams in a quartet of essays (1983, 1985, 1986, 1987) traced the history of the probation service from its evangelical roots and the desire to 'rescue' the fallen through the golden age of the 'treatment' model to a 'managerialist' model. The casework model held that interpersonal relationships were of unique importance (Biestek, 1961) but working on faulty relationships did not necessarily lead to lower reoffending rates. The IMPACT experiment came to the conclusion that no effect from 'probation treatment' could be established (Folkard, Smith and Smith, 1974). McWilliams examined the role of the probation officer in Court, which described as changing from 'friend to



acquaintance'and he described the importance of the Court as an independent entity, separate from the executive. One example of their power was their ability to apply pressure leading to the overturning of:

the legal requirement to suspend a sentence of imprisonment in the absence of excepting circumstances. This provision, introduced by the CJA 1967, was repealed by the CJA 1972 due to the unpopularity of the courts. (1981, 98)

### **The Middle Period of Probation**

The history of the probation service has been catalogued by Jarvis (1972), Page (1992) and Bochel (1976). Literature written before and during the 1960's focussed on the social work (psychological) needs of offenders e.g. King (1969), Foren and Bailey (1968). An earlier report by the Butterworth Committee (Home Office 1962) had stated the need to 'protect society' and 'ensure the good conduct' of the probationer'. In 1958 Radzinowicz, produced a report called 'The results of probation' which gave a very positive outcome for probation supervision. For first offenders it stated the rate of success was 76.8% and 89.2% for males and females respectively and 64.1% and 79.1% for boy and girl juveniles. Overall for all offenders it revealed an 81.2 % success (non reoffending) rate for adults and 65.7% for juveniles. For those with one previous conviction the figures were 67.3% and 55.3% and for two or more previous convictions the figures were 51.5% and 42.1% (1958, 5-7) Probation appeared to work less well after a period of imprisonment, but almost as well if given again after a first order had been completed. In 1962 (reprinted 1966) the 'Report of the Departmental Committee on the Probation Service'started by giving their brief as "examin[ing] all aspects of the

probation service” Probation was described as:

the submission of an offender while at liberty to a specified period of supervision by a social caseworker who is an officer of the court: during this period the offender remains liable, if not of good conduct, to be dealt with by the court. (HO, 1962, 2)

The idea of the offender’s consent was acknowledged to be ‘conditional’ as other sanctions were likely to be ‘less congenial’. The report did not question the value of ‘casework’ with offenders, indeed it stated that: “Rare sensitivity may be needed in establishing and developing” this relationship. In an acknowledgement that the background of the offender may well include social disadvantage, it continued:

Failings, anxieties and problems are the outcome of diverse causes which may be understood and altered. There may, in the first place, be scope for altering external influences by helping the individual to change his home or economic circumstances, his habits or companions. Here, although the need may sometimes be for direct material assistance, the caseworker’s aim will be to encourage people to help themselves rather than be helped; to co-operate rather than obey. (ibid, 24-25)

The report was not critical of the composition of probation committees, other than that the term of office of the chairman should be limited. It did not want a residential ‘Probation College’ for training officers but envisaged an ‘apprenticeship’ type model through two placements where the first was to give a ‘general insight’ and the second was to be more hands on with responsibility for supervising offenders. The link with social work was clear as students with previous social work experience “will, no doubt, be given responsibility from the beginning for a small caseload.” (ibid, 123) What is of interest is the criticism of the role of the Home Office in relation to the probation service:

We have already indicated that the Home Office should, in our view, exercise a degree of control and guidance which reflects the legitimate national interest in the service. But we are satisfied that the present



apparatus of control, which was devised in 1926 on the inception of probation committees, is now wholly apt for the purpose...Home Office control should serve one or both of two ends - the efficiency of the service; and the safeguarding of a substantial Exchequer interest. (ibid, 76)

Foren and Bailey (1968), in an important book, one of the few published of the period that could be used in social work training, started their chapter entitled 'Casework in probation' by quoting from the earlier 1936 'Report of the Departmental Committee on the Social Services in the Courts of Summary Jurisdiction'. This stated: "The need for a trained social worker in summary courts is being more and more recognised" and led them to state that "The probation officer is generally regarded as the social worker of the courts." (both quotations in 1968, 80) They made a distinction between the formal authority of the probation officer and their personal authority, which they described as 'personal prestige and influence'. They believed that:

whenever the personal aspects of the authority relationship are more marked, the formal aspects, though still present and effective, become secondary in importance...the aim must always be to strengthen the client's ego. (ibid, 1968, 94)

### **The Incompatibility of Breaching Orders with Traditional Notions of Casework**

They further stated that probation officers used the sanction of 'breach' sparingly, both because it was difficult to prove but also as they wanted all other methods first.

Probation orders generally contained three requirements, in addition to the threat that a further offence would see the offender back in court to be resentenced for the offence for which they received probation: firstly 'to be of good behaviour and lead an honest and industrious life, secondly to notify the probation officer of any change in residence

or employment; thirdly, to keep in touch with the probation officer in accordance with such instructions as may from time to time be given and in particular receive visits from the officer at their home. The ambivalence to the authority nature of the role and the interest in a psycho-therapeutic relationship was evident in the language:

The necessity to report to the probation officer in accordance with his instructions may be interpreted by a client in a punitive way. It is, however, a convenient way of providing for the personal contact which is the very essence of the helping relationship...To put a little pressure on a client, or to strengthen his resolve to continue treatment can often be helpful to him...The majority [of probation officers] are probably fairly easy-going about occasional failed appointments so long as reasonable excuses are given, whilst others regard the attitude of the client toward reporting as a reflection of his attitude toward them both as persons and as fantasy-figures and use the resistance or dependency thus revealed as an area of emotional behaviour to be explored in the interviews themselves. (ibid, 99)

The above quotation encapsulates the 'essence' of casework, the analytic tool probation officers typically employed in their day to day work with offenders. King, writing at a similar time about probation practice also described what she saw as the skill base of the caseworker. It confirmed the need to delve into the past history of the offender to bring about change:

Comment by the caseworker can also help the client to see the connection between certain parts of his story which had hitherto eluded him, thus clarifying the issue and throwing fresh light on his situation, so enabling him to see it more clearly. The caseworker has learned to recognise that the problem which brings the client to his attention, or about which the client expresses most concern, may or not be what is really troubling him but is often an expression of unsatisfied desires or unsolved conflicts. (1964, 66)

Without wishing to labour this point further it is interesting to note two further books from this time by Monger titled Casework in Probation and Casework in After-Care (working with prisoners and ex-prisoners). This was the apex of the ideal of 'treating'



offenders, with Monger asking the rhetorical question: “to what extent is it possible for him [the offender] to become motivated in the direction of social conformity, unless some attention is given to unconscious forces?” (1972, 69) It was interesting to note however that probation officers wrote similar reports on offenders, whether they were casework oriented or held a radical view that society’s inequalities were largely responsible for triggering offending (Hardiker 1977). (The antithesis to casework was to occur more than a decade later with rational choice theory when offenders were to be viewed as knowing actors fully responsible for their actions.)

### **The Taking Over of Prison Welfare and Work with Prisoners and Ex- Prisoners by the Probation Service**

The move from untrained voluntary organisations to the probation service was replayed when the probation service took over work with ex-prisoners from the Discharged Prisoners’ Aid Societies in 1966. The Home Office report Penal Practice in a Changing Society produced in 1959 and repeated in 1966 commented “It is a disquieting feature of our society that, in the years since the war, rising standards in material prosperity, education and social welfare have brought no decrease in the high rate of crime reached during the war” (HO, 1966, 1) The report acknowledged that since the Gladstone report of 1895 deterrence through fear would not work. The Prison Rules from 1948 stated that: “The purposes of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge, and to fit them to do so”. However the report was unhappy at the level of overcrowding in the local prisons and the lack of work available in general in the prisons. The report noted that many first

offenders did not return to prison but those who did had an increasing number of previous convictions. Like the ACTO report, it wanted to see more trained workers to be involved with ex-prisoners and it saw the potential value of compulsory after-care.

The first report of the Home Office Research Unit 'Persistent Criminals' published in 1963 focused on the problem of what to do with offenders who had repeatedly served prison sentences. These were typically men sentenced to preventative detention under the 1908 Act and 1948 Act. This allowed the Courts to impose very long terms in prison on offenders aged over 30 years, who had been convicted of an offence which could receive a sentence of two years or more, and had three or more previous convictions since the age of 17, and who had had at least two experiences of imprisonment. Reconviction figures from the Central After-Care Association who were absorbed into the Unit described in this chapter indicated that offenders released with a third of the sentence remitted "and for whom active attempts at rehabilitation are made- appeared to be somewhat less affected by "institutionalisation" than those who served five-sixths of their sentence" (HO, 1963, 188) The report was a damning indictment of the system as it commented: "There is some danger of preventative detention detainees being regarded as the dregs of the criminal population for whom there is little hope save to keep them away from society...Yet only a small proportion of offenders sentenced to preventative detention had ever been given corrective training, many had never received any other treatment than imprisonment and for two thirds, probation had never been tried the intelligence and abilities of preventative detainees were normal and many had more than average potential." (Ibid, 187)



In 1965 a short HO paper was published entitled 'The adult offender' which started with a quote from Sir Alexander Paterson that "You cannot train men for freedom in conditions of captivity." It acknowledged that some offenders were dangerous but many were "disturbed, unstable and immature." (HO, 1965, 3) It commented that "Long periods in prison may punish, or possibly deter them. But do them no good - certainly do not fit them for re-entry into society. Every additional year of prison progressively unfits them." (ibid, 3) The report was preparing the ground for the introduction of parole in the 1967 Act. By this stage 28 Discharged Prisoners-Aid Societies out of 36 had passed their after-care responsibilities over to the probation service. The voluntary organisations were meeting together to plan for the future (and in the event became NACRO). The use of volunteers was still heavily promoted. In 1966 the Home Office published 'Residential provision for homeless discharged offenders'. This report regarded the provision of discharged prisoner hostels as essential, for those with different types of need, including alcoholics. Interestingly it added under the heading 'Education of the public' that "a real attempt must be made to gain the sympathy of the community as a whole for the special problems and difficulties of the offender" (HO, 1966, 23)

In 1967 the Home Office published The Place of Voluntary Service in After-Care and declared that “Discharged offenders need to live in a society which accepts them back into its midst with equal rights.” (HO, 1967, 1) Again a programme of public education was strongly argued for and the case for the extensive use of volunteers was strongly promoted, indeed in emboldened type it proclaimed that “**After-care begins on the day of sentence.**” (HO, 1966, 45). Finally it issued a clarion call to volunteers: “Could you whole-heartedly subscribe to these views of an early penal reformer written in 1838, but as true today. ‘The first principle in the management of the guilty seems to me to be to treat them as men and women; which they were before they were guilty, and will be when they are no longer so; and which they are in the midst of it all. Their humanity is the principle thing about them; their guilt is the temporary state’.” (Ibid, 47) Taking all the above together it can be seen that the probation service was ‘pushing against an open door’ in its quest to develop work with prisoners and ex-prisoners after 1966. The voluntary sector had been found wanting, both in working within the prisons and post-discharge. The quotations from the Home Office serve to show that humanity, not punishment was the central ethos at this time.

A Home Office Report ‘Habitual Drunken Offenders’, written in 1971, again made the point that there was a group of offenders who were not receiving probation help. The report highlighted the lack of probation orders made on drunken offenders, 303 orders were made in 1968 from ‘more than 75,000 cases’ (HO, 1971, 66) The report acknowledged that probation officers had ‘heavy caseloads’ were reluctant to ask for orders on clients who may not keep to the conditions. The Courts were “aware of the



inadequacy of to the habitual drunken offenders' needs of the supervision and support which they would be able to give." (ibid, 66). The report in its conclusion commented that many offenders had "A total absence of social ties", also "considerable attention would need to be given to building motivation". These characteristics [low socio-economic background, minimum schooling, unskilled, unsettled in employment, unmarried or separated; personality disorder of some kind (taken from list on page)] suggested a background similar to other types of social casualty and one which is generally found with chronic petty recidivists and homeless men generally." (ibid, 182) For the future it commented that "The close involvement of professional social work services, the probation and after-care service in particular, will be essential." (ibid, 183)

A press release (27 July 1971) to accompany the Report of the Prison Service 1970 commented that the prison population had increased in an "unprecedented" way the previous year from 35,965 to 40,137. It had doubled in twenty years, and the press release added that: "structured forms of training" were being strained, as was the potential for informal contact between staff and inmates: "In overcrowded conditions there is a risk of emphasis turning to the sheer physical and material needs of the population of the prison or Borstal and its routine." Clearly this was an acknowledgement that if this type of work was to be undertaken, it could not be done in a situation of overcrowding.

### **The Professionalisation of Welfare Work with Prisoners and Ex- Prisoners**

Guy Clutton-Brock had founded the London Probation Service in 1935, after four years

working as a Housemaster in Feltham and Portland Borstals. He did not recall that at that time “the officials [inside the Borstals] were concerned about their future once they had opened the gates and let the chap out.” Probation at this time according to him was either missionaries offering ‘five bob and a bible’ or the new qualified workers who wanted to offer more indepth support. These two groups did not get on very well and his task was to try to meld them together and make links with magistrates. The probation service at this time had no remit to work with prisoners or ex-prisoners. In an interview with a former member of the Borstal After-Care Association I was told that he had started in post in 1950, like many others he had come from the armed forces and had applied for the job after seeing an advertisement. He had gone straight into the work and had then attended extra-mural courses. The offender coming out of Borstal at this time was subject to a formal period on licence. The Borstal sentence was indeterminate and many offenders served the full three years inside before the one year after-care licence. Those coming out earlier would serve longer on licence so that the total time was four years. Caseloads were very high, approximately 70 offenders out on licence, and at least six days a month were spent away from home visiting numbers of inmates at the borstals.

In 1966 the probation service outside London took over supervision of the licences and he recalled that officers were paid (and could keep) three pence per offender per month supervision fee and sixpence if the offender was homeless. Probation officers had to submit forms to the Borstal After-Care Association and these were assiduously followed up. Licencees who did not keep to the conditions were breached quickly. What was most interesting in terms of status was the relationship between the Borstal After-Care



Officer and the Borstal, and with the police (who carried out the arrests for the breaches). The Officer was an ex-officio member of the Board of Visitors and enjoyed high status during visits: "I know one governor, whenever I walked in to his meeting...his chief officer and the housemaster, they all got up, stood up for me when I came in."

He was disparaging about probation contact with prisoners and ex-prisoners feeling that the service had been less committed to this work than the old voluntary sector. His experience was that PO's looked down on resettlement work with the homeless as being of lower status. However, like Clutton-Brock's experience with the missionaries, voluntary after-care "mainly we used to say, it was five bob at the gate and cheerio Charlie!" The same criticism levelled against the quality of the work of the police court missionaries could be stated about contact with ex-prisoners.

The ACTO Report, led by The Hon. Mr Justice Barry, published in 1963, felt that a system that differentiated between offenders subject to compulsory or voluntary after-care after prison was unfair. It recommended that the Discharged Prisoners' Aid Societies (given statutory recognition by Act in 1862) should be taken over by the probation service - to be renamed the probation and after-care service. Prison welfare was also seen as a task to be taken over by the probation service. In particular:

we regard London as pre-eminently an area where a number of local auxiliary after-care committees would be needed. London is the home of many discharged persons and many others are drawn to it by hopes of employment and anonymity. Because of this concentration we are particularly concerned that the organisation of after-care in London be given high priority. (Barry, 1963, 49-50)

In London, the report noted the New Bridge had formed as a society to offer assistance to ex-offenders. Blackfriars Settlement also acted in a voluntary capacity. Barry envisaged the probation service working with ex-prisoners using volunteers but continued:

The main need of many offenders is for simple encouragement, friendship and human understanding, which could be given by sincere and warm hearted auxiliaries...(para 121)

It will be impossible for the probation and after-care service to undertake this formidable task unaided. (para 122)

As to training, it is necessary to stress that this is not work for inexperienced amateurs. It requires a warm heart but also a clear head, compassion combined with insight, lack of illusion, and preparedness for disappointment. (para 132)  
(ibid)

It was due to the above report that probation staff took over responsibility for the homeless and rootless offender in London from the voluntary sector and in particular the After-Care Unit in London took over responsibility for working with the homeless and rootless, prisoners and ex-prisoners, from the old Discharged Prisoners' Aid Societies in 1965. The formation, growth and closure of the After-Care Unit in London between 1965-1990 is written as Appendices Two and Three. A senior from the Unit, who later became an Assistant Principal there commented to me that the members of the Discharged Prisoners' Aid Societies were hostile to the take over, feeling that they knew a lot about prison welfare and the probation service didn't. The informant agreed that there was an element of truth to this, one worker was a qualified solicitor who gave legal advice to women in Holloway prison. Another worker, held about 10% of all men released on life sentence licences in the country and had terrific expertise in this area.



The unit prospered and divided up the prisons between the PO's, so that inmates could be given regular visits. Even in the early stages there were imaginative partnerships between the Unit and the institutions. The cellar club was formed to offer support to vulnerable young men leaving Feltham Borstal and the Youth 237 Project was designed to use predominantly young, well trained volunteers, to befriend ex-Borstal inmates.

The Unit used a number of volunteers to augment the probation contact and also had its own Housing Association, called SHOP, as so many of the offenders were difficult to place. One of the early co-ordinators of SHOP told me that SHOP had a number of short life properties who could take offenders refused by everywhere else. The houses initially were:

really very very low standard, very very rough, bad accommodation, the house itself was in bad condition, and they seemed to see that as quite a challenge, quite often. I would expect a lot more whining and moaning, in fact, you know, it was just part of living there, which they accepted, and if something needed doing, they themselves would get on and do it. And funny enough, that didn't happen with the new houses, putting them into brand new purpose-adapted houses meant that if a washer came off a tap or something, they'd get on the 'phone, screaming at me to "Get it fixed, get somebody round."

The informant had worked in other residential establishments which had deskilled residents by doing too much for them. SHOP had instilled a sense of camaraderie and had worked with offenders who, on paper, looked incapable of succeeding. What concerned the informant, who had now moved to a new housing post, was the profound difficulty in getting probation officers to take any interest or responsibility for contact with the homeless and/or rootless: "[it] must be happening all over London, some people are just falling through holes, well, there's no safety net anymore, that is frightening and

that alarms me for all sorts of reasons.”

Appendix One outlines the haphazard way that contact with prisoners had been largely carried out by PO's during the 1980's, when it was largely personal discretion, and preference, whether or not to visit an offender in prison. Changing Home Office priorities downplayed the importance of resettling offenders from prison and Maguire, Raynor, Vanstone and Kynch (2000) detail that the problems of short term prisoners remain similar to those of the 1970's. However the service response to these problems is significantly lower. It is no longer a question of asking whether specialist probation visiting schemes to prisons are more effective than allowing individual officers to remain in contact with offenders known to them. Contact with offenders in prison by probation staff hardly exists any longer. Offenders that have served sentences of less than 12 months and therefore were not subject to compulsory probation supervision are sent to volunteers under the auspices of the Society of Voluntary Associates or have no support. The expertise of the After-Care Unit disappeared, however after the revelation from the rough sleepers initiative, that many of the homeless are ex-prisoners, probation services are intending to recruit probation service officers (unqualified) to work with them from the beginning of the year 2000.

### **From the Pessimism of 'Nothing Works' to 'What Works'**

There has been a continuing debate about the changing nature of the service in the literature for almost twenty years. Haxby (1978) discussed the possibility of a correctional service and Bottoms and McWilliams (1979) discussed a 'non-treatment



paradigm' whereby offenders would report to see their probation officer, but 'treatment' would be optional. Haxby began his book by acknowledging where the probation service had moved to, in terms of ethos. The Morison Committee in 1962 had described the probation officer as a 'professional caseworker' and had located probation practice as a specialised field within social work. In this sense there was an implication of the need to form a relationship with the offender and to use this to bring about positive change.

According to Bottoms and McWilliams there were four aims for the probation service which were:

1. The provision of appropriate help for offenders
2. The statutory supervision of offenders
3. Diverting appropriate offenders from custodial sentences
4. The reduction of crime

They did not assume empirically, that the successful pursuit of the first three aims would lead to the fourth being achieved. (Bottoms and McWilliams, 1979, 168) The publication of their non-treatment paradigm sent shock waves through the probation service as it questioned the 'treatment' model substituting a 'help' model instead. They pointed out that the 1907 Probation of Offenders Act had not just been about supporting offenders. The list of duties contained in this Act started:

to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation may see fit (S.4 (a) (Cited in Bottoms and McWilliams, 1979, 175)

Thus in 1907, surveillance and supervision was on the probation agenda and it was the 1948 Criminal Justice Act which had the treatment ethos with its 'advise, assist and

befriend' and accelerated the trend towards a 'treatment model' of intervention with offenders.

The introduction of Bottoms and McWilliams comprised two quotations, Radzinowicz (1958), the first Director of the Cambridge Institute of Criminology spoke in very positive terms of probation, as a social service, making the most significant contribution to 'penological theory and practice'. Croft (1978) dismissed what he described as 'penal treatment' stating that research had found it not to have a 'reformatory response'. (cited in Bottoms and McWilliams, 1979, 159) Thus in the space of twenty years penal optimism for the rehabilitation of the offender had given way to pessimism.

Martinson (1974) was famous for his assertion that "nothing works" and that in consequence probation work with offenders was a waste of time and money. His commissioned research was originally repressed and he had to go to court to get it published. Hence its impact became even more powerful as was his language. He wrote:

that even if we can't "treat" offenders so as to make them do better, a great many of the programs designed to rehabilitate them at least did not make them do worse....*the implication is clear: that if we can't do more for (and to) offenders, at least we can safely do less.*" (1974, 48 italics in original)

Martinson recanted this pessimistic conclusion five years later:

On the basis of the evidence in our current study, I withdraw this conclusion. I have often said that treatment added to the networks of criminal justice is "impotent", and I withdraw this characterisation as well/ I protested at the slogan used by the media to sum up what I said - "nothing works." The press has no time for scientific quibbling and got



to the heart of the matter better than I did. (1979, 254)

Despite this retraction the “nothing works” label became very powerful and led to a crisis in confidence in the ‘treatment’ casework model in working with offenders. Harris commented that Martinson was a convenient tool for those out of sympathy for the treatment ideal to denigrate contemporary practice - “it offered *post hoc* support for ideas moving into prominence for rather different reasons.” (Harris, 1996, 124) Mair is scathing of Martinson, the looseness of his analysis, and its one dimensional reliance on recidivism, described as “a crude and problematic criterion for assessing the effectiveness of sentences.” (1991, 3) Mair detailed the politics of the report in the U.S.A. where those commissioning the report refused to publish it and a subpoena was needed by Martinson before he could get the report himself. The report was produced at a time of:

Vietnam, black power and youth protest...’crime assumed new meaning and significance...[it] became a codeword for all that was wrong with American society’ (Cullen and Gilbert 1982, in Mair, 1991, 4)

### **The Professional Identity of Probation Officers**

The work of the probation service should not be seen in isolation, but in the wider context of social work in general. In the late 1960's and 70's as social work became an important part of the ‘welfarist project’ so, in Britain, this approach began to experience strains “in both its political rationality and technological utility”. Social work was associated with all that was deemed wrong with welfarism. (Parton, 2000, 458) With the demise of welfarism, social work became marginalised in influence and this was true of

the probation service within the criminal justice system.

The major confidence raising rejoinder to the negative message of “nothing works” occurred many years later with the cognitive approach to work with offenders. Haxby writing in 1978 felt that this was “a crucial time in its development” (1978, 15) He detailed how the management structure within the probation service had grown between 1966 and 1974 when middle managers (then assistant principals) had grown four fold. He linked this and other events to “encroachments upon the autonomy of the probation officer” (ibid, 36) as new tasks were imposed on the service (eg parole was introduced in the Criminal Justice Act 1967). The major cause for this was statutory after-care which included parole licences and supervision of young people from detention centres and Borstals. This involved probation officers being in contact with the Executive eg the Parole Board, via the Home Office, rather than the judiciary. Under the Probation Rules 1965 (and earlier Rules), the Home Office were obliged to inspect the work of probation officers. In 1968 the Probation Rules were amended to allow the task to be undertaken by the Services’ themselves. Thus the probation management took on an inspectorial/managerial role (see Haxby, 1978, 46-7) The other important aspect of ‘probation history’ discussed by Haxby concerned the ‘professional identity’ of probation officers. In 1970 the British Association of Social Workers (BASW) was formed, incorporating seven different ‘trade’ organisations. The National Association of Probation Officers, although involved in the setting up of the ‘Standing Conference of Organisations of Social workers’ in 1963 decided not to join it but rather to maintain its separate identity.



In June 1970 the membership decided by a margin of two to one not to join BASW but to maintain NAPO. Probation Officers joined NAPO and/or BASW or opted out of both organisations. There was a discussion whether NAPO was a professional organisation or a trade union or both. Haxby was writing in the aftermath of the Younger Report (The Advisory Council on the Penal System: 'Young Adult Offenders'), which recommended that probation officers be given the right to have young offenders locked up for three days if they felt that they were 'at risk' of offending and a cooling off period was required. This proposal was fiercely contested by NAPO, particularly the London Branch, but for Haxby it signalled the changing nature of control. He compared the requirements of the proposed "supervision and control order" with the probation order and argued that the lack of consent for the proposed order marked a further change which "could effect a subtle and undesirable change in the nature of the relationship between supervisor and client." (ibid, 163)

Fielding, in 1984, conducted 50 interviews with probation officers of various grades which were written up into a densely argued book. This started off by putting the debate on practice into context, in a manner still pertinent today:

As one of the earliest treatment-oriented sentences, probation had an early concern with rehabilitation. Rehabilitation has come under fire as a rightful object of the state's handling of criminal offenders...It is also under continual suspicion from another quarter, the social work establishment, for its confused posture as part of the social control system overtly operating on social casework methods while being charged with a significant control function. (1984, 1-2)

This suspicion of the 'social work establishment' is an interesting issue. Clearly Fielding felt there was a question to answer, whether the social work establishment (as

exemplified by the Central Council for Education and Training in Social Work (CCETSW)), wanted to retain responsibility for probation training. At the time that the Home Office was considering the severing of the link of probation training with the Diploma in Social Work (DipSW), it was interesting to note that ‘work with offenders’ was missing from the redrawing of the social work competences; the framework through which social work practice, or competence, was tested. Hurried work on this by a CCETSW adviser with probation sympathies, and a NAPO trade union official; reinforced the notion that CCETSW did not want to take probation with it. Indeed the Home Office was very dismissive of the role of CCETSW.

### **The Home Office and Probation: From Indifference to ‘Hands-On’**

The Home Office largely left the probation service alone and did not enter the debate about the role of the service until 1984 when it published its ‘Statement of National Objectives and Priorities (SNOP)’ (Home Office, 1984). As May pointed out: “Nowhere was the attempt to control local variations more clear than in the 1984 SNOP for the probation services in England and Wales.” (1995, 872)

What SNOP did, for the first time, was to set central priorities for the probation service, rather than leave it to the services’ themselves. Firstly SNOP put this into a wider criminal justice context, under the heading ‘Purpose, Objectives and Priorities of the Probation Service.’:

I        The Probation Service, together with others involved in the criminal justice system, is concerned with preparing and giving effect to



a planned and co-ordinated response to crime. It must maintain the community's confidence in its work, and contribute to the community's wider confidence that it is receiving proper protection and that the law is enforced.

II The main purpose of the Service within the criminal justice system is to provide means for the supervision in the community of those offenders for whom the courts decide that it is necessary and appropriate. (April 1984)

This changed the ethos from work with 'clients' in terms of their social need/inadequacy, to one of working to the courts. It introduced the idea of catering to the public in terms of maintaining its confidence (assuming it had gained this in the first place), and the notion of 'protection of the public', not incompatible with working on the needs of the offender, but a change of emphasis.

It listed the principle tasks of the service: working with the courts, supervision in the community, through-care, other work in the community and then came the 'crunch' paragraph:

VI In the allocation of resources towards these objectives, the following broad order of priorities should be followed:

(a) The first priority should be to ensure that, wherever possible offenders can be dealt with by non-custodial measures and that standards of supervision are set and maintained at the level required for the purpose.

(b) Resources should be allocated to the preparation of social enquiry reports on the basis that standards will be similarly set and maintained, but that reports will be prepared selectively in accordance with the objectives set out above.

(c) Sufficient resources should be allocated to through-care to enable the Service's statutory obligations to be discharged (including the minimum qualifying period of parole). Beyond that, social work for offenders released from custody, important in itself, can only command the priority which is consistent with the main objective of implementing non-custodial measures for offenders who might otherwise receive custodial sentences.

(d) The service should allocate sufficient management effort and other resources if necessary to ensure that each area probation service is

making an appropriate and effective contribution to wider work in the community. The scale and pace of development will depend on local needs and the opportunities available.

(e) The proportion of resources allocated to civil work should be contained at a level consistent with the circumstances and the foregoing priorities (ibid)

SNOP for the first time charged the 55 probation services with the priority of working with offenders in the community and downgrading voluntary work with prisoners and community projects. Lloyd (1986) analysed the initial individual services' responses to SNOP, in their 'Statements of Local Objectives and Priorities (SLOP's). He noted that they largely ignored what they had been asked to do, they also included 'values' statements which had been absent in the SNOP document. He interpreted this as providing three 'main points of conflict' between Central Government/Home Office and local service managements. These focused on: "the autonomy of probation officers; the control implications of taking on more serious offenders on probation and the need to respond to human plight." (Lloyd, 1986, 72). The reaction of the Home Office response in subsequent White, Green, Blue, and Peppermint (coloured) Papers was to threaten probation management with outside direct entrants and the implementation of 'Cash Limits' to the services' to force through the proposed changes.

This period was one where the standing of professionals was challenged as clinicians and practitioners lost their power to management professionals. Furthermore the welfare professionals lost their status as the notion of 'just deserts' gained credence and there was a drift towards a punitive tendency and a backlash against liberalism. (Garland 2000)

This was manifested in a lack of interest from the Home Office in the resettlement of prisoners. Rutherford in a set of interesting conversations with Chief Probation Officers



highlighted the opposition of senior probation management to the prioritising of SNOP:

We publicly stated that the Home Office had completely got it wrong, that their lack of investment in decent through-care made after-care very much more difficult...we continued to build up specialist through-care (CPO in Rutherford, 1993, 108)

Another CPO interviewed by Rutherford explained that he tried to work with the Home Office, but this was not easy:

what I do find difficult is the Home Office view that they know best, and how it should be done. The Home Office are determined to take a very central approach, and therefore it is much better that we work with them at it, rather than just taking what comes. (ibid, 109-110)

The aftermath of SNOP, in the next chapter, demonstrated that the Home Office criticised back in 1962 for leaving the probation service alone, was about to take a considerable 'hands on' approach which was to change the service from being a social work, social casework agency, into being a correctional service.

Other important papers were published in November 1988, one of which, at the time, was seen as a non event. This was the 'Parole system in England and Wales: Report of the Review Committee' and was chaired by Lord Carlisle. It included an excellent review of the 'history and philosophy of parole and remission' and it came to the conclusion that the system needed to be overhauled. Sentences needed to be linked closer to the sentence passed by the judge and parole would be abolished for sentences less than four years when the offender would be released at the mid point. Offenders serving less than one year would not receive compulsory probation after-care supervision, but all longer sentences include time on compulsory licence. It rejected the use of electronic tagging for those released from custody and wanted "a more consistent

approach to the supervision by the probation service of prisoners released on licence.”  
(Carlisle, 1988, 93) The report was not afraid to tackle the Home Office head on over  
SNOP and the effect on probation services:

it seems clear that the 1984 statement was taken by some [probation services] to reduce their commitment to working with offenders in prison. That indeed is the signal which the Statement seems designed to give. We very much regret that. Reducing the priority for work with prisoners does not seem to us to be consistent with the overall objective of preventing further offending...Establishing a rigid hierarchy between objectives in the way attempted by the 1984 Statement does not seem to us to be helpful. (ibid, 90)

### **‘Just Deserts’ and the Increase in Compulsory Supervision**

The proposals in the report were included in the 1991 Criminal Justice Act. The overarching effect of the Act was two-fold. Firstly, that offenders should be sentenced in a manner commensurate with the seriousness of what they had done and secondly, probation became a community sentence in its own right, defendants no longer gave their agreement to be placed on the order. All offenders sentenced to twelve months or more in prison would have a period of time on release on licence to the probation service. Thus offenders who had previously been seen as poor candidates for parole eg sex and other violent offenders, who received long sentences but then disappeared without compulsory oversight on discharge would now go on to probation caseloads. The probation caseload changed from being predominantly voluntary to compulsory. Many offenders on traditional caseloads are poor and consider themselves relatively deprived compared to most of the population (Young, 1998). This has been associated with the problem of boredom which is difficult to eradicate on a low income (Bauman,



1998). The move to an administrative criminology and crime prevention rationale fitted in with the changing political climate and a move away from explaining crime in terms of social causes (Mooney, 2000) In fact the toughening of the response to crime became a metaphor for a number of contemporary anxieties (Blagg and Smith, 1989).

The other two papers from 1988 were the Green Paper 'Punishment, Custody and the Community' (Cm 424) which set out ways in which the Courts and the public's confidence could be strengthened in community penalties, also how existing penalties could be made tougher; and 'Tackling Offending: An Action Plan' which looked at how this could be implemented and required probation services to set out their implementation plans. These included intensive probation programmes and for Inner London the resources required were to be diverted from the After-Care Unit, which was seen as a repository of very experienced staff undertaking non core work. The irony is strong, that at the time Lord Carlisle was advocating making through- and after-care a specialism, the pressures of the 'Action Plan' forced services to cut back on these areas to release resources. The result was the closure of the After-Care Unit in 1990. Lord Carlisle had visited the After-care Unit and was impressed at the serious work with 'heavy end' offenders. This was not just my personal observation from meeting Lord Carlisle and his colleagues there, but in the report he wrote:

We saw in some places the very successful way in which specialist through-care and resettlement units were operated by the local probation services...specialist units or specialist officers working in general teams do have the great advantage of giving a clear focus and priority to through-care and after-care work. (Carlisle, 1988, 90-91)

The response of NAPO to Carlisle was reported in NAPO news February 1989 under

a sub heading 'an opportunity lost'. The thrust of the criticism was that prison sentence lengths would have to be reduced by 5% for the scheme to break even on numbers in prison, a 10% reduction would reduce the population by 3,600. Although Carlisle wanted the reasons for parole refusal to be given to inmates, NAPO was critical that there was not to be an appeals system. In the same monthly news bulletin figures from a NACRO briefing paper 'Imprisonment in the 1980's were given that demonstrated how the population had increased:

21% of adult men and 8% of women convicted of indictable offences were imprisoned in 1987, compared with 17% of men and 3% of women in 1977. The average length of a prison sentence rose from 10.9 months in 1983 to 15.1 months in 1987. Four out of five people sent to prison are non-violent offenders...21% had committed offences involving violence, sex or robbery...55% of males and 34% of females are reconvicted within two years of release...the highest rate (80%) is for 15 and 16 year old boys leaving youth custody centres. (NAPO News, Feb 1989).

## **Summary**

This chapter has examined how probation started as a voluntary philanthropic exercise, overseen by the church, but as the need for greater consistency and professionalism was recognised, there was a (contested) change to a professional 'casework' probation service from its missionary roots. As Fielding commented, casework and control were not necessarily seen as compatible by all in the social work establishment, although casework was concerned with personal growth and understanding.

The probation service grew in confidence and size as the 'treatment' model began to



influence the thinking of the Home Office and the service took over responsibility for prison through-care and after-care tasks.

As the Home Office began somewhat belatedly to take an active interest in the work of the probation service, it started to set priorities for the work to be completed which were not compatible with the voluntary tradition of the service. In particular the place of voluntary contact with prisoners was given a very low priority.

## **Chapter Four**

### **The Changing Nature of Punishing and Supervising Offenders: The Probation Service After 1984: From Social Work to Social Control and Punishment**

#### **The Probation Task and ‘Taylorism’**

The first survey of how probation officers spent their time took place, before the (1984) Home Office SNOP document, in 1977 and was titled the ‘National Activity Recording Survey’ - NARS, but had been referred to within the service as ‘Operation Narsty’. I had been one of the PO’s who had been trained to act as an advisor to PO’s who had to complete their NARS forms, but in the event no PO asked me anything and I surmised that daily diary sheets had been completed creatively to the best of PO’s abilities. In 1990 there was a second survey (‘National Probation Survey’ - NPS) of the way that the probation service managed its workload, when 25 Chief Officers and 2,400 probation officers kept a log of their time. These comprised seniors, PO’s and unqualified assistants (PSA’s). The probation services did not have a record of the time that PO’s spent on their different tasks. (May, 1992, v) This type of information is essential for a ‘time and motion’ approach to the job tasks.

The first time study was obsolete as soon as it was conducted as it coincided with the introduction of community service. The second study had similar problems as it coincided with the implementation of the 1991 Criminal Justice Act and National Standards. In the time between the two surveys, probation caseloads had fallen and it



was assumed that the service was dealing with more 'serious' offenders as the service started to move from a 'welfare' model to a 'justice' model, as the Conservative political mantra of 'punishment in the community' and 'just deserts' impacted on the probation service. In the week the survey was carried out, PO's spent 23% of their time supervising offenders, 15% on court duty, 14% on pre- and post release work with prisoners, 11% on Social Inquiry Reports, 8% on Civil work, 8% on Community Service supervision, 3% on office duty and 18% labelled 'other'. In hindsight it could be seen that starting to ascertain how probation officers worked opened up the route for a Taylorist managerial intervention, the 'efficiency, economy and effectiveness' wanted by the National Audit Office (NAO) and Audit Commission (AC) (both 1989).

The Audit Commission report looked at overhauling and 'improving' the management of the service and it entered into the jargon of tackling/challenging offending behaviour. The middle section was called 'The Service Today: In Search of a New Role' it engaged with the new scientificism of risk of custody scales, was liberally spattered with graphs to show the links between the 'level of cover' and resources, and made the point that increases in probation orders had been made against a drop in the use of fines. The final chapter was entitled 'Delivering Good Value for Money'. It was steeped in the language of performance indicators, financial management, lines of accountability and revenue proposals by the Home Office. The National Audit Office report focused on the performance of the Home Office and was critical of the limited Home Office response, believing that there was insufficient information on how "resources [were] deployed to achieve value for money, and that targeting and priorities are reviewed accordingly." (NAO, 1989, 2) (Raine and Willson 1993, describes the drive for a business like

approach)

## **Punishment in the Community**

The NAO report was critical of the probation response to SNOP, and made it clear that ‘value for money’ was important. It also commented that the Home Office was ineffective in exerting influence over individual probation services. The AC report started by stating that “The criminal justice system is under considerable strain” (AC, 1989, 5). The report took the view that:

Offenders are punished by giving up their free time while on probation, but at the same time they gain from the experience. So probation can satisfy the call for a just deserts approach while retaining its main objective of helping the offender. (ibid, 20)

This could be seen as an attempt to ameliorate the pure form of a ‘just deserts’ model by holding on to the concept of rehabilitation when ‘just deserts’ implies that the punishment must be commensurate with the severity of the offence, without regard to issues of rehabilitation. Key performance indicators, were seen as essential tools as was the imperative to develop a ‘Financial Management Information System (FMIS). The Home Office was mandated to take a more influential role (presumably to take control of the individual services who had chosen to ignore the injunctions in the SNOP document.)

In April 1990 a Green Paper was published by the Home Office entitled ‘Partnership in Dealing with Offenders in the Community’. This was to complement the White Paper ‘Crime, Justice and Protecting the Public’ and the Green Paper ‘Supervision and



Punishment in the Community: A Framework for Action', which had both been published in February 1990. The White Paper proposed a bifurcation whereby there should be "a sharper distinction in the way the courts deal with violent and non-violent crimes." (HO, Cm965, i) The courts were required to consider probation reports before passing a custodial sentence except in 'the most serious offences', and in general "the severity of the punishment matching the seriousness of the crime." (ibid) Fines were to match offenders means, and prison sentences were to follow Carlisle's recommendations. For young offenders curfews were proposed and parents were to take more responsibility for the actions of their children.

The Green Paper started with a number of bullet points under the heading that 'The working practices of probation officers will have to change' (HO, Cm966, iii). It is worth producing these points in full:

- probation officers are officers of the court, and must respond to the wishes of sentencers
- they must supervise orders in a way envisaged by the courts, and enforce firmly any conditions attached to orders
- in supervising offenders they must take full account of the need to protect the public
- they must gear their work towards crime prevention in its broadest sense
- they must work in closer co-operation with the police, local authorities and the rest of the community
- probation officers must see themselves less as exclusive providers of services and facilities, and more as managers of supervision programmes. They must make greater use of skills and experience of the voluntary and private sectors
- probation officers must show that they can produce results to justify the extra money being spent on the probation service. (Cm966, iii)

This last paper was permeated with the language of punishment and how probation officers could administer punishment. In marketing language, if the probation services did not deliver what the courts wanted, they would go out of business. Probation

managers had to be attracted from a wider field, the link with a social work qualification for them was to be broken and the appropriateness of this in any case for all staff was questioned. The concept of empowerment is central to social work practice and depends on the experience of individuals in relation to society as a whole and in the circumstances and conditions in which services are accessed (Barnes and Warren, 1999). The client, in this case is the court, with the offender adopting a passive role, which does not allow the notion of offender empowerment to operate. Finally cash limiting the services to force compliance was clearly spelled out. The third part of the trilogy focused on where the voluntary and private sectors could take on previously probation held tasks, including crime prevention, tackling drugs, bail and remand information, helping with supervision programmes specifically: job finding, literacy and numeracy help, accommodation advice and skills giving, addiction support, sport and physical activities and constructive use of leisure (HO, April 1990, 12). With regard to prisoners and ex-prisoners it envisaged a bifurcation whereby probation officers dealt with reports and offending behaviour and volunteers with the rest.

In 1991 the Government published a peppermint coloured paper entitled 'Organising supervision and Punishment in the Community: a Decision Document.' This started by stating that the Government valued the probation service and would increase the resources allocated to it. Court reports were to become more important, the profile of community sentences was to be raised and it flagged up that National Standards were to be published. Carlisle's recommendations were accepted and in the wake of Lord Woolf's report on prison disturbances, closer co-operation with the prison service. Partnerships for probation were to be encouraged and cash limits would be a disciplining



force for compliance. The linking of public order and accountability put huge pressure on the probation service, not least as the Conservative Government had a public commitment to be both tough on crime and on public sector professionals (McLaren and Spencer, 1992).

The proposals were enacted in the 1991 Criminal Justice Act. This Act was allegedly going to place the probation service 'centre stage' as a community penalty enforcer. The National Association of Probation Officers produced a set of guidelines after the Act and these were not well received by the Home Office. The guidelines sought to ameliorate the punitive aspects of National Standards e.g. by stating (5.1):

Be reasonable about missed appointments. They only count towards breach action if the explanation given is deemed unacceptable...A domestic crisis, a DSS problem and a myriad of other aspects of people's normal lives (never mind lives that are in difficulties) reasonably take priority over a normal appointment. The client is the best judge of what is a priority in their life. (NAPO, undated, 19)

The report also stressed the anti-discriminatory aspects of practice and the need for sensitivity toward ethnic and other minorities. NAPO has been more successful than the Prison Officers Association in resisting change (Ryan and Sim, 1995). NAPO argued against 'fast track reports' and other attempts to speed up criminal justice favoured by the Home Office and Audit Commission who saw the Courts as the client, not the offender. Many of the far reaching aspects of the Act were overturned in the Criminal Justice Act 1993 which allowed the Courts to again consider all of the offender's previous convictions when sentencing and to decide on the level of fine without being tied to set scale rates, according to income. Faulkner, who served in the Home Office until 1992, wrote about the 1991 Act and the implications for probation. He questioned

the need for the social work qualification, rather he felt that a multiplicity of skills was required. He saw partnerships as a major future theme for the service. He was cautious about the new managerialism but he raised a very interesting point on complaints:

The Citizen's Charter provides a wider view of public accountability with its emphasis on published information and on responsiveness to the customer, consumer or user...It enables the customer to complain if the service is not provided to the advertised standard, but not to demand higher standards or a different kind of service, and its principles are not easily applied to criminal justice functions. (1995, 67-8)

It raises the point that if the Courts are the probation services' clients where does this leave the offender? The notion of punishment and control is imposed on probation officer and offender, with limited potential for discretion. Higher standards of supervision are not wanted if the bottom line is simply one of compliance. This theme is pursued in the interviews and in the chapter on discourse analysis.

The first set of National Standards, implemented in 1992, forced services to take reporting much more seriously and devolve 5% of their budget to the private (voluntary) sector to carry out core probation tasks. This was the start of changing probation officers from caseworkers to case managers. This could be interpreted as a move to hive off tasks to leave the probation service as a 'correctional agency' enforcing statutory orders. By then a new Home Secretary, Michael Howard, who publicly espoused a 'prison works' philosophy was in post and a further Criminal Justice and Public Order Act (1994) sharply reduced individual civil liberties (right to silence, take intimate body samples, trespass, hold raves, be a traveller, secure provision for children etc).



## **Control Over Probation; The Role of Her Majesty's Inspectorate of Probation: Themed Inspections**

The HM Inspectorate of Probation (HMIP) was started in 1992 with a dual role of conducting thematic reviews and inspecting individual probation services. However it also instigated work on producing effective practice initiatives, under the theme of 'what works'. The first annual report by the Chief of HMIP, and its initial overview, resembled a mission statement. It started with an acknowledgement that it was "a difficult time to write a report" (1.1) as the probation service "must win and maintain the community's support and respect...ineffectively supervised community penalties will increase crime costs and prison numbers" (1.2) If this generated a suspicion that the report was addressed more to the government than to the service and the public, this was confirmed in the very next paragraph. "It is essential that this Inspectorate and probation services generally, listen closely to what *users* of their services want from them." (1.3 my emphasis) It would be a very naive person who assumed that a service user referred to the offender. Rather it was the courts, as the National Audit Office (NAO) had suggested back in 1989, that made use of probation and were therefore its primary customer, plus the government's decision to make compulsory prison after-care standard on automatic conditional release for sentences of twelve months and longer (see later thematic inspection report). The report, as well as mapping out the way that HMIP would operate, made two very important other points. Firstly, where should the probation service be located, certainly not in social work. "I have already made use of the phrase *community corrections* to include probation services and all other agencies and organisations who receive public money and operate in the field of offering

rehabilitation in the criminal justice system.” (1.6 my emphasis) Secondly, he continued “This inspectorate has a role with the *voluntary and private sectors* which are expected in the future to play a greater part in the delivery of community based penalties.” (1.6 my emphasis). Thus ‘creeping’ privatisation was on the cards. In terms of the inspections it is useful to note the emphasis laid on statutory reporting, although ‘good practice’ was also emphasised.

### **Drugs: 1993**

Whereas in the past the probation service relied on the Home Office to produce reports, the following year HMIP produced ‘Offenders Who Misuse Drugs. The Probation Service Response’. The report commented that the traditional approach of the probation service which was one of promoting abstinence, changed after the 1988 report ‘Aids and Drug Misuse Part 1’ to one of ‘harm reduction’. The link between the exchange of needles between addicts and the growth of HIV had forced a change of approach on the service. However many of the probation officers interviewed during the inspection felt ill equipped from their training to deal with drug related issues. The report described a useful survey undertaken by the Inner London Probation Service’s Demonstration Unit that had revealed that they had 2,907 known offenders who took drugs - most commonly heroin, alcohol, cocaine, amphetamines and barbiturates. Of these, 72% were white, 25% black, 20% women, 60% were known to other agencies relating to their drug abuse. The probation service was seen as likely to be the first agency to have contact with some of these users. It was seen that this work would “make heavy demands on probation officers’ assessment, observational, intuitive and engagement



skills” (6.3)

What was interesting, in view of the later development of the ‘Drug Treatment and Testing Order’ in the Crime and Disorder 1998, was an italicised extract from the 1991 Advisory Council Report: *“almost everyone who enters treatment for drug misuse does so under some form of pressure...those who are impelled to enter treatment by a court are not in a fundamentally different position.”* (10.3) The implication was clear, although working with drug taking offenders might require further knowledge and skills, it did not mean that this should imply that National Standards need not be adhered to (my emphasis).

The report made a number of sound recommendations in terms of treatment, support, liaison with specialist agencies and the setting up centrally of procedures for offenders to be referred for residential rehabilitative help. (15.8) This first HMIP report therefore set a trend that thematic reports would look at issues of good practice, in the context of enforcement (there was a second inspection report, in this area, in 1997, which follows chronologically).

### **The Automatic Conditional Release (of Prisoners) 1994**

The aim of this review was to check *conformity to national standards* and the three year probation plan 1993-6. The findings revealed that “most probation committees had not given significant consideration to the ACR scheme”. (2.1) The ACR, compulsory after-care, supervision was given a lower priority than community sentences, perhaps an

unstated throw back to SNOP from 1984, which downplayed the importance of work with prisoners and ex-prisoners. The links between probation chiefs and prison governors were not 'frequent' apart from a few areas, although at national level it was regarded as satisfactory. However this was a transitional period as a national framework document between the two services was being drawn up. Sentence planning had become the responsibility of the prison service, but it was not operating satisfactorily as probation officers "in several areas expressed frustration at their lack of involvement in pre-sentence planning by prison staff." (2.8) The high caseloads of probation officers precluded detailed work with these offenders and the first recommendation was "when reviewing the national standard, define the nature of the report required for the court from a PO in breach action. (1984, 16) This report is important as it spelt out that probation services had to attach high priority to compulsory prison after-care to ensure compliance or the offender should be breached. In this respect offenders should be given some form of unspecified through-care. The latter was to be subject to joint inspections by the prisons and probation inspectorate.

### **The Quality and Provision of Expedited Pre-Sentence Reports Prepared for the Crown Court by the Probation Service 1994**

This (summary) report was originally designed to provide information useful for policy development during the drafting of the Criminal Justice and Public Order Bill. It represented the second half of the approach to dealing with offenders. Namely, firstly conformity to National Standards and secondly, to give the customer what they wanted, in this case fast track reports to the courts. After the Criminal Justice Act 1991 the



Home Secretary had stated that “Pre-sentence reports (PSR’s) should be delivered more quickly.” (1.1) The 1991 had required that a PSR be prepared following “conviction or plea at the Crown Court, when judges wanted to proceed without a report but no longer had discretion to do so.” (1.6) Not surprisingly “A quarter of the 214 PSR’s examined were found to be of unacceptable standard.” (2.3)

The need to consider a PSR before sentence was overturned in the Criminal Justice Act 1993, what this report showed was that professional quality work could not be regularly achieved by making staff turn out instant reports of more than ‘tick box’ mentality.

#### **Young Offenders and the Probation Service 1994**

This report, based on inspection of 12 services, was generally positive about the commitment to the work and *conformity to national standards*. Work had changed to fit with the requirements of the 1991 Act. Three different approaches to working with young offenders were found: *integrated teams* managed by social services, all workers carried out all types of work apart from community service. *Combined teams* (probation and social services), work allocated on the basis of the agencies statutory responsibilities. *Agency based teams*, separately operated within each agency. The middle group was found to be more managerially and operationally problematic. The new Youth Offender Teams set up in the aftermath of the Crime and Disorder Act 1998 follow the first model but include also police, education and health. The interesting phenomenon was **adherence to National Standards** (my emphasis) and many of the new managers of the Youth Offending Teams had been recruited from the probation service. This report

showed that probation officers were already conforming to national standards with young offenders in 1994, when the concept of the standards was unknown to social services.

### **Probation Orders with Additional Requirements 1995**

The report gave a brief history of extra requirements in probation orders, particularly the use of groups. In 1972 four Day Training centres were established, in England and Wales, which the report stated were not well used, as their arrival coincided with the start of Community Service. A Home Office report thought that cost was a significant issue, however the opportunity to divert offenders from prison, using this approach has been described as “desultory [and] ill planned” (Coker, 1988). Other centres started up, most notoriously the Kent Close Supervision Unit which was vigorously opposed by the NAPO as it included strict attendance and curfew conditions. The case of *Rogers v Cullen* 1981 found their use to be unlawful. In 1982 Schedule 11 of the Criminal Justice Act 1982 allowed for the inclusion of extra conditions in probation orders. Section 4(A) allowed for the inclusion of extra conditions and Section 4(B) of Schedule 11 the condition to attend a day centre for up to 60 days. (see Vass, 1990 for a critique of how these orders were inconsistent and not used equitably for black and women offenders). A Home Office Research Study 1988 was critical of the variation in use of these centres. The Criminal Justice Act 1991 amended the sections under which extra conditions could be required eg S1A2 requirement to undertake an extra activity, S1A4 sex offenders could be required to participate in a particular activity or attend a probation centre for a time decided by the court, not limited to 60 days. S1A6 included a condition to submit



to treatment for drugs or alcohol dependency and S1A3 20 full (6 hour days at a probation centre) or 40 half days (three hours) (see Sanders and Senior (eds) of Jarvis fifth edition for further details). In 1994 a number of probation areas, the report found, there was a major variation in the number of probation orders made with additional requirements between different probation areas. Therefore court outcomes depended partly on geographical lottery, as well as sentencing practice. The report expressed surprise at the lack of probation committee policy in such programmes, and the language of the market was evident:

Too often the impression gained during this inspection was of frustrated programme staff expected to *market worthwhile products*, to busy and sometimes unenthusiastic pre-sentence report writers, *to sell on their behalf. Not all PO's were promoting the products and this was reflected in the patchy and often poor take-up of places.* (3.25 emphasis added)

This last paragraph is worth unpicking. The use of terms like market and product are more typical of industry and pre-sentence reports are 'sold' to the courts to 'purchase' a community order rather than custody. **Variation is criticised in the report** (my emphasis), and the timing of the report, at the same time as my pilot interviews, revealed that probation officers were reluctant to pass on offenders to projects where they might be supervised by unqualified staff. The time had not yet arrived when PO's saw themselves as 'purchasers' or as case managers. It was a pivotal time for the service in how it worked and the probation inspectorate was giving a strong push for change away from casework as a primary aim of the service.

## **Probation Services Working in Partnership: Increasing Value for Money 1996**

The following year the Inspectorate produced the above report which had two significant findings. Firstly, partnerships were developing in a short period of time despite “numerous competing demands made on probation services”. (1.1) Partnership agencies apparently were very positive about these links made with probation. Secondly, requirements in this area laid down by the Government and developed by Home office officials “were successful in providing a developmental framework and encouraged services to take action.” (1.1) Continuing the business language probation committees had to ensure that by April 1997 partnership plans were incorporated into local service plans to ensure value for money (VFM). Service level agreements with partnerships, partnership data compatibility with computerisation, and the fact that probation supervision plans and accordance with national standards had still to be met if the offender was being seen by a partnership agency meant that these agencies, if they wanted probation money, had to toe the probation line on regularity of contact and record/information sharing. At this time partnerships were to have 5% of the probation budget, this figure has risen to 7% by the end of 1999.

## **The Work of Prison Probation Departments 1996**

The report was positive about the work of the prison department and criticism was couched in terms to make it seem minor: “It was regrettable that a number of establishments have been unable to implement fully the requirements of the National Framework for Through-care, almost two and a half years after its publication.” (2.4)



It then unveiled a number of things that had failed to happen: delay in agreeing business plans between chief probation officers and prison governors, coupled with “considerable variations in their quality” (2.4), there was a failure to carry out reviews in most prisons visited by the report reviewers, many prisons did not have “through-care policy groups”, sentence planning had been implemented “piecemeal”, and finally probation departments in prisons had an uncertain future after the Prison Service became a ‘Next Steps’ agency in April 1993 (see the corporate plan for the prison service 1995-8, May 1995). Instead of a firm statement that probation departments needed to know their future (size at least) the report mentioned: “the pressures on Governors’ budgets creating an atmosphere of uncertainty...and the inevitable effect of this on morale and possibly on the [probation] departments’ to recruit good staff” (2.4) Any discussion on the state of the prison estate must consider the serious disturbances in 1990 that led to the Woolf Report. The probation inspectorate did not consider the multi-problematic nature of prisons.

The report identified “considerable difficulties” which could stop effective prison and outside probation liaison. Probation officers did not visit to see the inmate or attend sentence planning meetings when invited, adequate notice of these meetings was not always given, many prisons were remote from the prisoners home area and made travelling difficult (no comment on implications for the families of prisoners), some probation services restricted probation officers from visiting due to budgetary constraints, field officers did not always communicate information in to the prisons, sentence plans did not include tasks for field officers, pre-release forms about inmates progress and/or post-release forms were not returned to the prisons or were of poor quality and hence could not help the prisons shape changes for future practice. Finally,

few prison probation officers were given training prior to taking up their prison probation post and many prison probation officers were critical of this, and the isolation from the rest of the service. This was my experience in Holloway prison many years earlier, of being forgotten by the service, and largely left to get on with the work.

### **Family Court Welfare Work 1997**

It is not generally well known that PO's staff civil courts dealing with matrimonial matters, including the Royal Courts of Justice. The report looked at this area, the lowest priority from the 1984 SNOP document. The report focused on good practice and value for money. In 1999 the government decided that this area of work would be removed from the probation service although it appears that it will remain within the Home Office's province. This will leave probation more exposed as a correctional agency, totally geared to work with offenders.

### **The Work of the Probation Service in the Crown and Magistrates' Courts 1997**

The report started by stating that approximately 9% of probation resources were spent on offering a service within the courts. This was the first major inspection undertaken in this area and the work was not seen as having changed for many years. There was not a national standard for court work and this was put back to the Home Office to "define its expectations about the work of probation staff in court." (2.10) An interesting issue was the (qualified) probation officer presence in some areas, whereas in others courts were staffed by (unqualified) probation service officers (previously called ancillary



workers). In some courts volunteers were used to take notes in case reports were called for or else to comfort the families of defendants. Clearly this raises a number of questions for the future about the need for qualified staff and what the tasks should be in court, eg bail support and whether immediate (same day) reports before sentence should be prepared. There had been a mandatory requirement, prior to sentences of custody, for a pre-sentence report to be produced after the 1991 Act, but this requirement was rescinded in the 1993 Criminal Justice Act.

### **Tackling Drugs Together 1997**

This report started from the premise in the foreword (by the Chief Inspector) that there are links between drug misuse and crime. The report coincided with the appointment of the drugs 'czar' and the timetable set out in the Government White Paper 'Tackling Drugs Together, a Strategy for England 1995-98' published in May 1995. This stated that in 1995-6 each probation service would produce a drugs policy and strategy following guidance from the Home Office and ACOP, in 1996-7 the probation inspectorate would report on the implementation by the services of their drug strategies and in 1997- 8 the above report would be produced.

The report commented that probation officers and specialist workers were unaware of research which found that whether a person entered treatment voluntarily or under some form of coercion mattered less than the quality of the treatment. It appeared that the probation service was committed to inter-agency work and comment was made that:

In this inspection sample, drug misusing offenders posed no greater problem for the supervising PO's in working to national standards than other offenders on areas' caseloads and did not bear out the view held by some probation staff and sentencers that drug misusing offenders were necessarily more difficult to supervise within the standards because of their chaotic lifestyles. As one SPO said: If they can keep their appointment with their drug dealer they can keep their appointment with their probation officer. (2.6)

It was stated that there was some concern from health and voluntary agencies that "drug misusing offenders [were] being 'sentenced to treatment'" (2.9) It was worrying that as late as 1997 the report could say:

Probation services had little information on which to assess the particular needs of female and ethnic minority drug misusing offenders, nor were they able to evaluate the effectiveness of their responses to these offenders. The inspection findings, though limited, indicated that a broadly similar service was being provided for those arrangements as for white male drug misusers. (2.10)

If this served to raise concern for good anti-discriminatory practice, the report also commented at the very high level of drug misuse in hostels. Data from November 1996, from 18 probation hostels indicated that 53% of the 419 residents had a drugs charge or conviction, or were assessed as having a drug problem (2.11). In prisons also it was a problem that even if the prison probation officer was knowledgeable about drugs and treatment, it was difficult to be effective if the prison had no clear objectives (2.12)

When the Chief Inspector of Probation had been the Chief of the Inner London Probation Service he had officially endorsed a policy of harm reduction. The report stated that at the time of the inspection the official Government "view was that abstinence from drugs must be the ultimate goal of services for drug misusers." (3.4)

The 1998 Crime and Disorder Act 1998 includes the provision for 'drug treatment and



testing orders' implemented early in 2000, with abstinence as the goal. Probation officers will test offenders and this will take the service further down the road of enforcement. This is an area worthy of further specialist research, but it is a further example of how the role of probation is changing fast.

### **Delivering an Enhanced Level of Community Supervision...The Work of Approved Probation and Bail Hostels 1998**

This report started with a very positive statement that hostels, voluntary and statutory:

accommodate and work successfully with some of the most difficult, damaged and potentially dangerous defendants and offenders within the criminal justice system, in a manner which gave due regard to public safety. (2.2)

These offenders were more likely to be supervised to National Standards than in the field (2.5) This in itself should not be seen as a surprise as failing to keep to curfew or to the rules would be more apparent, although not necessarily easier to manage. What was interesting in the report was the credence given to good practice and not just on reporting per se.

In terms of race and gender, some managers "expressed concern at the relatively small number of ethnic minority staff employed in their hostels." (7.10) There was a question mark on ethnic minority referral practice to hostels and that their needs were being met adequately (7.10). There appeared to be a problem in many hostels to attract enough women residents. In some hostels the accommodation for women was too close to the mens, including lack of a separate common room or kitchen facilities.(7.11-7.18) Staff

cited the reason that many women had been abused by men for separate provision, others wanted some contact between the sexes. (7.22) Although little research had been carried out in this area the report felt that “a strong case could be argued that the present practice of accommodating very small numbers of women in a ‘mixed gender’ hostel was unsatisfactory” (7.23)

### **Exercising Constant Vigilance: The Role of the Probation Service in Protecting the Public from Sex Offenders 1998**

This report was completed at a time described as being “of unprecedented public debate and concern about the dangers posed by sex offenders.” (1.3) Some of this was as a result of hysteria in the media and the consequence, I would argue, of the ‘talking up’ of ways of dealing of serious offenders by Conservative and Labour politicians before the general election. Nash discussed the issue of outing in the media, as a consequence there was a growth in vigilantism. In June 1996 the Conservative Government produced a consultation document ‘Sentencing and Supervision of Sex Offenders’, which included the proposal for a sex offenders register. After-care was going to include inter agency co-operation, surveillance and control. This was translated into the Crime (Sentences) Act 1997 and later the 1998 Crime and Disorder Act would add to the level of control. This made a life sentence mandatory for a second serious offence (murder or its attempt, manslaughter, wounding , or GBH with intent; rape, sex with a girl under 13, firearm offences, robbery etc). The report commented on the extension of treatment programmes, challenging offenders on the harm caused to victims. It appeared that there was a huge variation in programmes offered and this was assumed to be a bad thing.



This was probably preempting the later change to what are being called 'pathfinder projects'. These are being evaluated during the period 2000-1 and then the chosen programmes will be delivered, without variation, throughout England and Wales. The rationale of this is 'programme integrity'. Nash cites the concern of Worrall regarding the way that sex offenders were to be worked with. They were no longer a client to be believed, but were to be challenged, not within a social work discourse, the language he described as exclusion. Multi agency panels look to 'manage risk' on these offenders but a problem shared between professionals is not necessarily a problem minimised. Nash extended the argument to consider whether the dismissal of what had gone on before in probation, when risk was managed might lead to the public being put *more* at risk:

it is important for the probation service to keep in mind that it has a much longer tradition of working with offenders, many of whom have also posed significant risk to the public. It must run away with the idea that a programme of group work is a panacea...Offenders are notoriously good at quickly working out what is required of them in certain situations and delivering accordingly. The good probation officer who develops a close relationship with an offender may well be in a better position to spot the trigger signs of potential danger (1999, 67)

Two further issues raised concern for the report writers. Firstly, the large number of prisoners being released who had not gone through a prison sex offender treatment programme (SOTP). Furthermore when a SOTP had been provided, the link to programmes in the community was not made. Most offenders post-discharge were seen individually by the service and not in groups. Secondly, "There was a surprisingly high number of community service orders made on offenders convicted of sexual offences...three quarters involved...indecent exposure" (11.11) Because the new managerialism had led to seniors losing their casework supervisory skills the report

recognised “there was a need for a better understanding of work with sex offenders amongst non -specialist SPO’s” (1.20) Finally the problem of adolescent sex offenders was raised as they appeared to fall through the net:

it was disturbing that responsibility for tackling sexual offending for those aged under 17 was not clearly assumed by one agency, nor was there any indication of such work attracting high priority when competing for resources with other work. (3.20)

## **HMIP Inspections of Probation Areas**

The probation inspectorate also carry out inspections of probation areas and given the above implication that poor inspections could lead to budget cuts, they are taken very seriously by the probation services. They tend to produce very large densely written documents. No14 on the Inner London service dealt with compliance to the Standards which could be improved and this was an intended target by management, positive comment on through-care practice by two specialised teams which concentrated on “better links with prisons and becoming more familiar with their processes” (1.14), but with “currently poor levels of information about compliance with the National Standard” (1.14) The original report was published in 1995. In 1998 there was a follow-up Quality and Effectiveness Inspection (1998) which focused on strengthening the management structure and improving the compliance to National Standards.

Middlesex (No 15) was more critical of the variation in service delivery, including poor pre-sentence reports, the rigour of enforcement procedures (1.6) and *compliance to National Standards* [my emphasis](1.7), the “varying level of referrals to programmes



and [PO's] were not held to account for this unequal treatment of offenders" (1.9) "The committee and CPO were in a highly vulnerable position in relation to a number of aspects of work with dangerous offenders"(1.18) This related to the need for formal policy to life sentence supervision and the need to get to grips with 'risk'. Unlike Inner London, the Middlesex Service had maintained its long term Through care unit (LTU) which maintained a tradition of providing a quality intervention with prisoners (see chapters nine and ten). This did not go down at all well with the inspection. Offenders were transferred in from field offices as the unit was perceived to "provide a better service to the offender" (7.12) Offenders were seen in prison and if assessed as suitable were offered contact and supervision was continued by the unit on release. "Four life licensees...were interviewed...All said that once the LTU became responsible for them, visits were regular and they appreciated this more reliable and consistent service."

(7.13) Despite this the report stated:

Whilst keeping contact with prisoners during sentence is an important component of Through care arrangements, the nature and frequency of contact should be determined by the needs of the case and there was no justification for the indiscriminate arrangements described by the staff of the LTU which were time consuming and costly. ((7.18)

Clearly traditional concepts of Through care did not fit with new style probation where time with offenders is not "economic" unless it is for completing reports or delivering programmes (see Nash, 1999). Other reports were examined: No30 SW London, No35 Greater Manchester, No37 Hampshire, No38 Mid Glamorgan, No41 Gloucestershire.

A consistent theme emerged of consumer satisfaction from the courts, strengthening the management structure and ensuring compliance to National Standards. Variations from the norm were not acceptable and services were being standardised to fit into a national

framework for probation.

### **Offender Assessment and Supervision Planning: Helping to Achieve Effective Intervention with Offenders 1999**

This was a major piece of research undertaken within 46 different services. It looked at offender assessment and supervision plans in the light of the “what works” initiatives. It found that “far too many supervision plans were either unsatisfactory or very poor and few addressed either comprehensively, or even partially, the requirements of the relevant national standard.” (3.2) Only 51% of supervision plans had been signed by offenders and often did not flow from previous assessments. “There was generally little evidence of management guidance or oversight of offender assessment and supervision planning” (3.2) The report recommended that there should be one national supervision plan format in place by April 2000 with clear guidance on content. (3.3)

### **Towards Race Equality 2000**

This report was completed in the aftermath of the Macpherson Report which had been written after the murder of the black teenager Stephen Lawrence and a flawed police investigation. Macpherson, it was stated, had raised expectations by ethnic minority staff in the probation service that there would be changes. It was worrying that the Inspectorate Report found that “29% of minority ethnic staff rated the quality of supervision from their line manager as unsatisfactory or poor” (p19) which is a very high percentage.



The Report stated that 60% of pre-sentence reports on white offenders and 63% on Asian offenders were considered satisfactory or good, compared to only 49% African/African-Caribbean offenders, with a focus on welfare rather than offence related problems for this group. Just as worrying was that equal opportunities had been translated into “treating everyone alike.” (p22) This could be seen as an attempt by the Inspectorate to be even handed but it is somewhat duplicitous. On one level the latter point acknowledged that ethnic difference exists, but when it came to report writing, notions of risk of reoffending were to be decontextualised from the life pressures and disadvantage suffered by minority ethnic individuals, so that this should not be a sympathetic consideration when it came to sentencing. Instead linking this to notions of risk perversely raises the risk of reoffending and increases the risk of custody.

### **HMIP Annual Report 1998**

This was the sixth, and most recent, report by the Chief Inspector and it commented that:

national standards are not met in a significant number of cases and too often orders in which the offender does not comply are not breached as required. The evidence shows that effective enforcement is a necessary part of effective practice.

The inspectorate and service were to work together closely with the ‘Director of Sentencing and Correctional Policy’ to deliver official policy and in addition to implement the Crime and Disorder Act, improve performance against National Standards, implement the agenda of effective practice.

## **Anti-Discriminatory Practice Issues**

The reports from HM Inspector of Probation revealed that knowledge of race, gender and related issues was not always strong when looking at how resources like hostels and drug treatment were being utilised and implemented across the services. This is disappointing given that this has been discussed and analysed in the past (Vass, 1990, Denny, 1992). Instead a consistent preoccupation with compliance to National Standards is revealed. Social work practice has to consider discrimination and oppression (Thompson, 1997) and Cambell (1993) accused British politicians and the criminal justice system of ignoring issues of racism and sexism as well as poverty in the inner city. Issues of gender, race, youth and disability will now be considered.

### **1. Women and the Criminal Justice System**

The body of literature on women offenders has grown remarkably in recent years from the paucity of the 1960's when writers like Pollak wrote about women as devious entities (Smart, 1976). Edwards (1984) discussing the (old) social enquiry report commented that women were dealt with differently to their male counterparts, with medical concerns going alongside social concerns. She quoted Home Office circular 1971/59 whereby reports were to be prepared on accused who consented to have one prepared and 'any other woman defendant'. (1984, 190) She examined 91 reports on not guilty pleas to go before the Manchester Crown Court and assessed "71% as wholly factual" 20% as supportive and 7% as "so prejudicial to the defendant that it was possible to conceive



that the case could be condemned before it was heard.” (ibid, 196)

The HMIP reviewed the probation service response to women offenders in May 1996 and commented that “There is a body of evidence...that suggests women’s child care and family responsibilities can restrict their access to community sentences.” (1.4) The statistics show that 10% of the probation caseload are women, approximately 14,000 women being subject to supervision. Although pre-sentence reports are mostly quality controlled, there was a considerable variation in how fully they considered the woman’s situation. This was “a worrying feature of this review.” (1.7) There was not a national co-ordinated response to the need to provide ‘safe and secure’ accommodation for women pre- and post-trial. (1.9) The small numbers of women made the full range of provision of community sentences uneconomic (2.3) Community service was perceived as a particularly “macho environment” and the attendance requirements were perceived as disruptive to the domestic arrangements for women. This was not a recently discovered phenomenon eg Dominelli (September 1984)

Rock in his book Reconstructing A Women’s Prison: The Holloway Redevelopment Project 1968-88 (1996) on the reconstruction of Holloway prison concentrated on the period from the decision in 1967 to rebuild the prison, through the rebuilding and afterwards, ending with the prison officers’ strike in 1988. The book did not include a bibliography at the end, although it was permeated with references and it made use of copious documents that have been provided to the author from a number of official sources. It also drew on a number of interviews with key ‘players’ in the development of the prison. The book can be described as being divided into two halves. The first

seven chapters concentrated on the origins of the institution, through the planning stages to the rebuilding and closure of the old Victorian institution. The final four chapters were concerned with the opening of the new prison and how the regimes changed the nature of the institution from therapy to repression and then back towards a more humane level of containment.

The original prison was a traditional Victorian radial design and became a women's only prison in 1902. Rock detailed the process whereby scarce prison service money was targeted on the womens' side rather than the mens'. It is worth reading the comments of David Faulkner, then Assistant Secretary in the Home Office Prison Department and Chairman of the Holloway Development Group:

[Holloway] would be basically a secure hospital: medical and psychiatric facilities would be its central feature and normal custodial facilities would comprise a relatively small part of the establishment (1971, 122)

Faulkner continued by describing the three main themes that characterised the intended regime in the prison:

One is what might be called immediate help and will include any medical treatment which the women might need for her physical condition, and welfare work to help her arrange her personal affairs - for example someone to meet her children from school, to cook her husbands supper or to look after her domestic pets. The second theme is longer-term treatment, including psychiatric treatment...remedial treatment for those who are backward or illiterate, and group counselling or other forms of group therapy. Thirdly there is community life - an attempt to construct a community with which she can identify herself... (1971, 128)

These two quotations give a vivid picture of the plan for the new Holloway and Rock documented how the plan to open the new prison slipped further and further back in time, consequently the key players had moved on before the prison changed. He also



recorded the reasons why escalating costs resulted in the narrowing of the corridors and the rooms. He described the design as essentially anti-panopticon, corridors were more 'dog leg' and how this made the policing of the new prison difficult and more dangerous for staff and inmates alike.

Rock thus provided important information on how innovation to prison designs and ethos are conceptualised, planned and implemented. Prior to Rock, information on the early Holloway was confined to authors like Camp which included photographs and details of earlier regimes within the prison. What was interesting about the book by Camp (apart from his antipathy towards a group he described as 'students of sociology', who originated from the same social class as the prisoners) was that he was given access to information by the same officials contacted by Rock, and he sounded a strong note of caution about the liberalising of the prison regime in the new Holloway. In contrast Rock commented:

No one came forward in the late 1960's to question the assumption that women required medical or psychiatric treatment. The only audible critical voice was that of the abolitionists...[who argued] imprisoning women was so ill-advised that there should be no plans for a new establishment at all. (107)

Rock described a further change in the ethos which was due to a rise in the prison numbers from the 1970's onwards, had been unforeseen, and had 'alarmed the prison department'. He quoted the views of a prison officer and the fact that the Board of Visitors sent a delegation to the Minister of State, to give the impression that the population of the prison was becoming more 'disturbed'. He used the evidence from the Holloway Prison Governors annual report from 1975 to show that this was the

beginning of the end of therapy, as sentenced prisoners had to be moved out and the prison population became 'a large, unstable and mobile population'. (ibid, 221).

The move into the new building started at the end of January 1977 and Rock stated that both staff and inmates viewed the change with a mixture of fear and trepidation. Amazingly all the windows were made of glass and were made up of sections that were tall but narrow - but still wide enough for some women to squeeze through. The opening was characterised by the demolition of over 200 panes of glass in the first four months. Rock characterised the prison as suffering from a sense of anomie and danger, with staff and inmates trapped into two isolated worlds, but 'both were locked into temporal schedules quite different from those of civilian life'. (ibid, 252)

In July 1982 Dr Bull who had been the Medical Officer in the prison from 1967-73, when she became the Governor of Holloway, retired and she was replaced by a woman career grade governor, Joy Kinsley. My interest in the history of Holloway prison is a personal one as I was a probation officer there from 1981-1984. When I joined the prison I experienced the intensity and claustrophobic nature of the institution, the noise and sometimes the utter silence which could be uncanny. Rock, in his review relied predominantly on interviews with prison service personnel and written records to underpin his thesis that:

In the early 1980's Joy Kinsley faced a troubled prison whose inmates, defined as dangerous and disturbed, posed problems of control for an over-taxed and apprehensive group of officers. (ibid, 264)

It was not my experience that prison officers were so worried and anxious. Certainly it



was not generated by the need to control a dangerous prison population. The central thrust for tightening up the regime appeared to come from the Governor, with at least the tacit approval of the Home Office. Rock commented that Kinsley thought that it was wrong for “the inner world of a prison to converge too closely with the world outside the walls” (ibid, 265), and catalogued how the Governor purged civilian departments (education, probation, chaplaincy), for having contacts with ex-prisoners. My experience was that the Governor destroyed the close inter-professional working relationships within the prison, in a disastrous attempt to turn Holloway into a ‘proper’ prison. Rock described the increasing repression of the regime, locking the entrances to the bottom and top of wings rendering movement of prisoners extremely difficult, interfering with education, exercise, work and other activities making the mood extremely repressive and immensely depressing for inmates and staff, as prisoners spent up to twenty three hours each day locked in their cells. Eventually the problems became public knowledge, not least the scandal of the appalling conditions in the psychiatric wing C1, which was dirty, smelly and claustrophobic.

The result was a change of Governor and Colin Allen with, according to Rock, the approval of Ministers and the Prison department, set about liberalising the regime and making it more open. Rock detailed the strike by prison officers in 1988, which arose over unlocking and the number of prison officers needing to be present. Rock made a strong case that the prison functioned successfully without large numbers of prison officers, and with a relaxed regime. Indeed inmates were cheerful and co-operative. The aftermath of the strike was that Allen left Holloway in 1988 and this was where unfortunately Rock’s narrative ended. His conclusion was that “Holloway has not yet

reverted to the conditions of the late 1970's and early 1980's" (ibid, 351). A prison inspection of Holloway in 1992 was scathing about the visiting area, "it was depressing" and incredulous about the Mother and Baby Unit: "even the inspector without such skills [consultant forensic psychiatrist] it is obvious that a cockroach infested semi-basement, looking out on to a dirty yard, is an inadequate home for the unit. (HMCIP, 1991, 1-2) When the Chief Inspector of Prisons entered the prison again with his inspection team in 1996, he was so disgusted with what he saw that he immediately left.

Worrall in her book Offending Women demonstrated that much sentencing is carried out with key participants eg magistrates, solicitors acting as if they had 'common sense' but not "specialised legal, medical or sociological knowledge of crime" (1990, 52). This together with the under-use of community sentences raised the likelihood of women going to prison. Research which examined probation reports to courts found that in the majority of cases a better, more detailed case could have been made for community service (Barker, 1993). Worrall described this process as rendering the offending women "invisible" and vulnerable to stereotyping. It was difficult for women offenders to be able to afford accommodation and preparation for release was also haphazard. Carlen (1990) has argued for the abolition of imprisonment for women.

The NACRO publication A Fresh Start for Women Prisoners (1991) was an attempt to look at the (smaller) women's prison estate, ignored in the Woolf Report 1990. It commented that for women the problem of being incarcerated in an establishment far away from home was much more likely. It looked at the large number of black foreign nationals locked up in women's prisons and subject to deportation on release. In



addition: “a Service which is based on rigid hierarchies and adopts military style uniforms is particularly inappropriate for women and should no longer operate.” (1991, 23)

In a more recent book, Sledgehammer: Women’s Imprisonment at the Millenium, Carlen (1998) and a recent article (Carlen, 2000), criticism of criminal justice and penal policy was tempered with careful optimism. Firstly, the sentencing context, the number of women in prison rose by 57% between December 1992 and December 1995, from 1353, to 2125 reaching 3176 by March 1999; in a study cited in Carlen (1998) half the women had reported having been sexually abused, they were “generally young, criminally unsophisticated and were mainly in prison for property offences” (Carlen, 1998, xi) The HM Chief Inspector of Prisons conducted a thematic review of women in prison (1997) and found similar results in a survey of 234 women. Additionally 20% had been through the care system and two thirds were mothers. Carlen’s thesis was that prisons should have gender and cultural difference intrinsically designed into the regime. The strategy should be one of reform and reduction, not regressive practice. In 1997 a women’s policy unit was established within the prison department, with a full-time director from 1998 and extra money in the prison budget. However her complaint that there is a lack of co-ordination between elements of the criminal justice system might not be improved by the changing nature of the probation service as outlined in the prisons-probation review.

## **2. Race and the Criminal Justice System**

This section is concerned to examine the discrimination against black and ethnic minority

offenders in the criminal justice system (Skellington, 1996). This is a large study in its own right but sufficient evidence is uncovered historically to demonstrate that in the past the probation service failed in its duty not to discriminate against black offenders. Whilst moves were made to change this sorry state of affairs, there is a danger that the mentality that developed in the criminal justice system to punish the offender and understand their difficulties less will have a disproportionate effect on black offenders.

An early report on this area was published in 1981, when Carrington and Denney in an article entitled 'Young Rastafarians and the Probation Service', commented that social work educators had paid little attention to 'social work with racial minorities'. They carried out a survey of 30 probation officers, 15 Rastafarian offenders and examined 15 social enquiry reports. They discovered that all the officers "found Rastafarians to be a problematic group." The offenders were characterised as 'true Rasta', untrue Rasta (subversive Marxist type) or bandwagon Rasta' (outward appearance without the cognisance of the Rasta world view). Offenders were pathologised as having identity crises, having problems in adjusting to western culture, authority problems or lack of socialisation. Few of the reports mentioned offenders beliefs and complaints included 'lack of punctuality, unco-operative and sometimes aggressive behaviour'. The report commented that non racist practice had to recognise and accept Britain as a multi-cultural society and traditional practice had to be examined for their appropriateness for ethnic minorities. The reports appeared to write off Rasta offenders, three recommended Borstal, one custody, four wrote off supervision as an option and *only* 3 recommended supervision/continued supervision. Clearly the probation officers had mostly not been of help to the Rasta offenders.



In 1982 Pinder wrote about observations he had made at an unorthodox reporting centre run by a probation officer in Chapeltown, Leeds for young blacks. The officer was frequently caught 'off-guard' by the young people in their conversations but there were serious conversations. The important point made in the article was that concerns by the black youth about 'unemployment, homelessness, racist violence (and counter violence), official racism' in discourse terms were 'backgrounded' in court reports but for the people themselves it was constantly in the 'foreground'. Official discourses did not do this fact justice.

Whitehouse, in 1983, looked at social enquiry reports and came out with the pessimistic conclusion that Rastafarian offenders were better off going to court without a report. The language of the reports was pejorative, including 'illegitimate', 'abandoned' women etc. It painted a picture of the men especially as being irresponsible and feckless. The following year Pinder found further differences in probation reports on whites and blacks. Whites were typically assessed in terms of their psychopathology and blacks in terms of their attitudes to authority.

The first figures for the ethnic origins of prisoners were given in a Home Office Statistical Bulletin (17/86) dated 18 June 1986. In the introduction/summary it commented that explanatory variables like "social class, education, employment status, social deprivation or disadvantage" could not be considered for lack of data (HO, 1986, 2) The figures given were that about 8% of the male prison population and 12% of the female population were of West Indian or African descent, compared to the 1-2% they

were present in the general population of England and Wales. They comprised 10% of the males remand population, 7% adult and 8.5% young male sentenced population. They were more concentrated in closed establishments (compared to open), and received longer sentences. In a commendably open statement the report commented that: "generally Whites had substantially more previous convictions than had the ethnic minorities." (HO, 1986, 11) The evidence for the report was started to be collected in June 1984, a few years after the Brixton riots. The report detailed that between:

1 July 1984 to 30 March 1985, the proportion of sentenced receptions for males aged under 21 known to be from the ethnic minorities was 25% in London, 9% on other metropolitan areas and 9% in other areas and for those aged 21 and over was 18%, 7% and 6% respectively. (ibid, 13)

Denney looked at 50 social enquiry reports written in 1987 by 13 white probation officers on 25 black and 25 white offenders. He commented that:

Family problems were more likely to be identified as being significant for white offenders. Anti-authoritarianism emerged as an all black phenomenon in this research. (1992, 46-7)

Shallice and Gordon (1990) found in the social enquiry reports they analysed that there was no difference in the recommendations between black and white offenders, however white offenders had more previous convictions, hence black offenders were being recommended for the same disposals at an earlier point in their offending and would be likely to move 'up tariff' quicker. In 1992 the commission for Racial Equality published a study of seven police forces on pre-court diversions on juveniles in the period 1989-90. Their conclusion was that ethnic monitoring was practical and:

The data (sic) have confirmed what was only suggested by previous



research studies - that in many areas, Afro-Caribbeans and, to a lesser extent, Asians are diverted from court far less than whites. (CRE, 1992, 23)

The Home Office publishes information under section 95 of the Criminal Justice Act 1991 designed to inform workers in the criminal justice system to avoid discrimination “on the ground of race or sex or any other improper ground.” The publication on race, Race and the Criminal Justice System: a Home Office Publication Under Section 95 of the Criminal Justice Act 1991 (December 1997), gave the figures that for stop and searches per thousand of the population the Metropolitan police stopped 35 white and 141 black people, and 45 Asians. Following on from this, the arrest rate by ethnic appearance per thousand of the population was 11 white, 12 black and 10 Asian; demonstrating the unbalanced nature of stop and search.

In 1992 Roger Hood reported on his research in the Crown courts in the Midlands. He found that apart from Birmingham Crown Court:

there were substantial racial differences in the sentencing patterns of the other courts and it seems inconceivable that similar variations would not be found in other regions of the country. It would not need many courts to behave as the Dudley courts and Warwick and Stafford appear to do, for it to have a considerable impact on the proportion of black offenders in the prison system: especially...that not only are they more readily sentenced to custody but, because they are more likely to contest the case, they have longer sentences to serve. Furthermore, it seems that if they are not given a custodial sentence they are more likely, and much more likely in some courts, to receive a suspended sentence of imprisonment or a community service order which puts them at risk of being sentenced to custody if they should reoffend. (1992, 188)

This was written before the implementation of National Standards, there have been some estimates that the breach rate of community orders might reach 30% as conditions become more stringent in version three. It can be seen that this would therefore be likely

to disproportionately affect ethnic minorities who are 'up tariffed' in the courts:

It was significant that being unemployed increased the risk of a black male getting a custodial sentence, but not in general, for a white or an Asian offender. (Ibid, 189)

Marian Fitzgerald in her evidence to the Royal Commission on Criminal Justice examined ethnic minorities. Drawing on the evidence she believed that Afro-Caribbeans were less likely to receive probation, but were more likely to get custody. She outlined a pathway for Afro-Caribbean youth: they were more likely to be stopped and searched and to be arrested, then less likely to be cautioned than whites, the pattern of charges against them differed from whites or Asians, they were more likely to be remanded in custody, more likely to plead not guilty, more likely to elect for Crown Court trial, more likely to be acquitted, if found guilty more likely to receive more and longer custodial sentences and different community disposals. (see Fitzgerald, 1993, 32-35) It was important that in this bleak scenario, probation did not add to the oppression of ethnic minorities. NACRO (1991) found that many blacks had been stopped and searched and had "vivid" memories of this. Equally worrying was that 54% of respondents saw no difference between the police and the courts.

Given that Jack Straw is planning to restrict the right of trial by jury, this is likely to impact on black perceptions of justice. Perceptions of prison were also very negative from a black perspective (see Genders and Player for further negative responses from prison officers). Most of the black and white groups were positive about probation support. This finding was replicated by Jeffers (June 1995) who stated the remarkable statistic that "a third of the clients of ILPS are black or from ethnic minorities.



Therefore it is not surprising that the service needs to be more than superficially aware of race issues.” (Jeffers, 1995, 4) Offenders felt that pre-sentence reports were “too intrusive and personal” but the motivation of the officer was seen as positive. However “a few black offenders felt they were stereotyped by white officers but this did not seem to be simply a racial thing” (ibid, 11-12). Offenders wanted to see the probation service as a helping agency in practical terms but this was not always delivered. It was not easy for black offenders to talk to white officers about racism but they were pleased that racism was recognised as an issue.

Black empowerment groups were positively received by some and seen as a return to “school” by others. Mixed race offenders complained of an overly black perspective in these groups and needed more sensitivity in approach. Clearly dealing with “difference” is a skilled task and not a mechanical one. Campbell and Johnson (2000) from the Association of Black Probation Officers warned that there was an overemphasis on race in programmes specifically designed for black offenders which led to the offenders finding the approach superficial. Furthermore there was pressure on these offenders to ‘play the victim’. It was also:

time to re-examine the ‘one size fits all’ assumptions behind the development of existing cognitive behavioural programmes...designed on the assumption that the standard offender is white and male...significant Black offenders are finding that their needs are not being met by current programmes. (2000, 18)

The Probation Inspectorate report Towards Race Equality (2000) had a foreword by the Chief Inspector which recorded Sir Graham Smith’s disappointment that in a number of areas there were disparities in how white and ethnic minorities offenders were dealt with

by the service. There had been a lot of work in this area in the 1980's and early 1990's but this 'promise' had not produced change. Curiously this was decontextualised and not linked to changes that had occurred since this time, including the effects of National Standards.

### **3. Young Offenders in the Criminal Justice System**

The very early history of youth justice has been described earlier. In 1933 the Children and Young Persons (CYP) Act united reformatories and the old industrial schools and raised the age of criminal responsibility to 8 years. In 1948 the birch was abolished, local authority Children's Departments were created along with Borstals and Detention Centres:

The development of detention centres depended little on whether they were judged "success" or "failure". The evaluation of their effect on young offenders was interpreted in the most optimistic light by the Prison Commissioners because, at the end of the fifties, they needed a relatively cheap and quick method of expanding custodial training to meet the increasing demands...In this sense detention centres were an experiment which could not be allowed to fail (Land, August 1979)

The Ingleby Committee of 1960 reporting on the English and Welsh Juvenile Courts agonised on the dilemma of care and punishment. "It is not easy to see how these two principles may be reconciled." (Ingleby Report, 1960, para 60) The attempt to square the circle was made by recommending raising the age of criminal responsibility to 14.

The age of criminal responsibility was raised to 10 in 1963 and the following year there was a change to a Labour Government. Various White Papers (Lord Longford) rediscovered the deprived child and in 1969 the CYP Act introduced the Care Order to



the local authority for offenders but Borstals and Detention Centres were retained. Preventative Intermediate Treatment was supposed to cut youth crime. Professor Norman Tutt writing after the return of a Conservative Government described the '69 Act as disastrous for reformers. "A decade in which between 4,000 and 5,000 school children were locked up in prison departments annually on remand" (1979, 20)

After the return of the Conservative Government in 1979, the Conservatives rediscovered the 'depraved' child. The 1982 Act abolished Borstal and replaced it with determinate sentences. The fact that custody could only be ordered if the offender was either unable/unwilling to respond to non custodial penalties or that custody was necessary to protect the public or the offence was so serious that only a custodial sentence could be justified, the reason(s) had to be given in open court and entered into the register, all offenders sentenced to custody must have had legal representation (Allen, 1991) led to a dramatic and regular fall in the young prison population which had climbed remorselessly from 3200 in 1971 to a maximum of 7,700 in 1980 and then dropped steadily back to 3,200 in 1988. A new Act in that year abolished Detention Centres.

Vass (1990) in a section on day centres from the early 1980's, examined the history of the Kent Close Supervision Unit and cited Vanstone to question whether this was part of a get tough policy on offenders, he could have added, starting on the young. Pat Carlen in Jigsaw: A Political Criminology of Youth Homelessness (1996) examined the phenomenon of youth homelessness conceptualised "three of the state's mode of governance" (1996, 5) these are 'discipline', legal and technobureaucratic control' and

‘ideological accommodation’. The first of these referred to youth, the second to homelessness per se (this was a long term preoccupation, see chapter one from Tudor times), and the third to threats to the state and individual well being. Citing Feeley and Simon (1992) who looked at actuarial justice and the move from looking at individuals to particular groups within society, Carlen examined the phenomenon whereby “groups targeted for vilification have thereafter served as convenient scapegoats against whom to mobilize vote-winning law and order campaigns” (1996, 50) In this context the Criminal Justice and Public Order Act 1994 was directed at new age travellers and others (see Goodman, 1995). In the same Act, the Secure Training Order allowed 12-14 year olds to receive a custodial sentence of up to two years, with half to be supervision in the community. Prior to this time a sentence of imprisonment had to be so serious that for an adult it could have received a sentence of 14 years or more. The maximum for 15-16 year olds was also increased.

Carlen’s book is permeated with depressing case examples of young people in difficulties and in despair with the state response. Her findings were that instead of the young homeless being seen as victims, when they were perceived to deviate they received ‘heavy’ penal sanction. The intolerance towards the young did not change when New Labour was elected. ‘No more excuses: A New approach to Tackling Youth Crime in England and Wales’ described an ‘excuse culture’ that had developed within the youth justice system: “implying that they cannot help their behaviour because of their social circumstances” (HO Cm 3809, 1997) It continued that offenders needed to be confronted with their behaviour and be helped to take more responsibility. The Crime and Disorder Act 1998 the ‘flagship legislation of new Labour, includes a new system



of reprimands and a (single) final warning to replace cautions. The Act removed the presumption of *doli incapax* for children under 14 whereby “the prosecution had to establish that the child knew that the behaviour was seriously wrong before the case could go ahead” (Ashworth, 1999, 211)

A referral to a youth offender team, pre-court appearance, could result in a specified activity order to prevent reoffending. Anti-social behaviour orders (backed with long sentences up to 5 years), child safety orders on children under ten to prevent anti-social behaviour or prevent offending, local child curfews, parenting orders (available in civil or criminal courts) to help support parents in addressing their child’s anti-social or offending behaviour (breach of the order is a criminal matter subject to a fine of up to £1,000). The Act also required local authorities and the police to work together to devise local strategies for reducing crime and disorder with audits being produced at very short notice. It was difficult to establish whether young people were seen as having problems or being seen as the problem. Jack Straw has publicly complained at the few anti-social behaviour orders that have been made. As Young (1999) pointed out the state comprises both cultural inclusion and social exclusion. Those seen as being at risk are both targeted for intervention but are also shut up in their own homes.

The Crime and Disorder Act gave the ‘concept of zero tolerance teeth’ was an explanation by a Home Office source to Muncie (1999, 238). He saw youth justice reform as the need to obtain short term political gain by showing state authority. The 1999 Youth Justice and Criminal Evidence Act established Youth Offending Panels who would devise a repertoire of sanctions including supervision, curfew, attendance

requirements (eg school), mediation or community service, but not electronic tagging.

In some ways this was similar to the old 1969 Children and Young Person's Act and the idea of Intermediate Treatment. The danger, as was found all those years ago was that once tried the likely effect was to increase the use of custody for young people.

John Pitts (2000) is also concerned that New Labour's intervention with young offenders was driven by political, not humanitarian concerns. The reasons why juvenile offenders had been split off from their adult counterparts was forgotten or ignored. The new Act was a moral crusade and was likely to lead to younger offenders entering the criminal justice system. His earlier work (Pitts, 1988) showed that many young offenders had successfully been diverted out of the criminal justice system. This option was no longer available and the consequences are unclear but worrying. His accusation was that the continuance of Conservative legislation into the Crime and Disorder Act 1998 was an attempt to hold on to Conservative voters. The cost of this may be borne by vulnerable young offenders who fail to keep to the orders in the new Acts' or else are thrown out by parents unwilling to face the consequences of being bound over (in the sum of £1000) for the compliance of their child(ren). The future of youth justice is, thus, uncertain and worrying and Carlen put this into sharp relief when she wrote:

Young homeless people are a threat to society not because of their minor lawbreaking activities but because the economic, ideological and political conditions of their existence are indicative of the widening gap between the moral pretensions of liberal democratic societies and the shabby life-chances on offer to the children of the already poor (1996, 124)



#### **4. Disability in the Criminal Justice System**

If offenders are given (often written) instructions to report to the probation office, an implicit assumption is made that the offender is fit, literate and able to understand instructions and act on them. Otherwise they are making a conscious decision to breach the order they are subject to and they are then liable to the consequences of this. Illness and disability can have serious exclusionary effects, especially if the offender is perceived as the origin of their own ill health (Smith and Stewart, 1998). In a study when young people were assessed by their probation officers, 22% were thought to be incapacitated by addiction, illness or disability (Stewart and Stewart, 1993). This has a 'knock on' effect in terms of employability, vulnerability and risk of neglect and self-harm.

A further major problem, over-represented amongst offenders, is that of dyslexia. This is more than a difficulty in reading and/or writing and includes left/right confusion, problems in completing sequential tasks, and "the ability to predict outcomes by thinking things through." (Morgan, 1997, 133) This is the essence of cognitive skills based approaches and would have the effect of potentially setting offenders with dyslexia up to fail if they had to follow this type of approach. The new ways of working with offenders rely on following a tight script and therefore offenders either risk prison by failing the programme or risk prison by being assessed as unlikely to be able to follow the script. A research project when 150 defendants in five London boroughs were assessed for dyslexia at the pre-sentence report stage (random sample with mentally disordered offenders excluded) revealed that 52% achieved scores high enough to "be likely to have a learning problem such as dyslexia or some other specific learning

difficulty.” (Morgan, 1997, 136) The research revealed that many of these offenders suffered from low self esteem, had been excluded from school and had never been offered appropriate support.

Prisons do not keep statistics on the numbers of prisoners with disabilities, nor are prisons categorised into those who have provision for disabled prisoners. According to research carried out by the probation officers’ union, NAPO, only one probation area (out of fifty-five) had the target of 3% of employees recorded as having a disability. Furthermore, defendants with learning difficulties are easy targets for miscarriages of justice as in the case of Stefan Kiszko (all points in this paragraph in Denney, 1998c).

People with learning disabilities have not been included in section 95 of the Criminal Justice Act 1991 (mentioned earlier), and Home Office Key Performance Indicators ignore issues concerning people with learning disabilities. Although people with learning difficulties are less likely to be given a custodial sentence, they may be held on remand for a considerable time (Denney, 1998b).

## **The Growth of Managerialism**

The chapter, so far, has concentrated on issues related to National Standards and discrimination. McWilliams has criticised the managerialist position, most recently arguing that ‘procedural codes and handbooks’ only offer a minimum standard, they relocated professional discretion up the hierarchy and they removed the spotlight from individuals (McWilliams, 1992). If probationers were happy with the service they were



receiving, from their supervisors, it ignored the question whether this was because of probation management or despite it? The danger that management could become stifling and overbearing had been recognised for a considerable time. A major problem was the growth in management, who did not have responsibility for carrying out the work, could create a split with those who did (Coker, 1988).

The concern of management to adopt private sector language and techniques had potential ethical consequences, according to Vanstone. "My point is not that modern probation managers are unethical but ethics have been largely ignored as a basis for management practice." (Vanstone, 1995, 49). Management by objectives required outcomes consistent "with Drucker's aims of result-achievement, cost-effectiveness and measuring the return on funds invested." (Parry-Khan, 1988, 9) There was also a danger of privatisation to sectors of the probation service e.g. hostels and/or community service. This was occurring within the prison service which became a 'Next Steps' agency and certain prisons were privatised (see Ryan and Sim, 1998) and rumours circulated within the probation service.

The potential for a schism between managers and the lower grades was wittingly recorded by Grundy, in a different public sector context:

I have heard it argued on university committees (usually by those who hold leadership positions) that the vast majority of people within the organisation are demanding: 'Let the leaders lead. Don't ask us what to think - you are paid to do the thinking, just tell us what to do.' Indeed the rapid rise in salaries of managers within public and private-sector organisations reinforces the division between those who are paid to decide and those who are paid to produce. Thus consultation and collaboration appear no longer to be key terms in the discourse of

efficient and effective management. (1996, 108-109)

Wade, a senior probation manager, looked at the impact of managerialist culture on the probation service with: 'management by objectives', 'key performance indicators', 'supporting management information needs', 'better quality services'; and inspections based on: 'efficiency and effectiveness', quality and effectiveness' and now 'performance inspection programmes'. She expressed concern that management was becoming efficient at carrying out tasks on behalf of others, debates would become focused on the 'how' rather than the 'why' probation was working in a particular way. May commented that probation officers criticised their managers for the loss of social work in policy initiatives, which he attributed to "Home Office directives...and the use of Home Office Inspectors" (1995, 34). This was not surprising as the report by the HM Inspectorate of Probation in 1993 conveyed the stark message that "deliberate failure by probation staff to comply [with National Standards] would lead to disciplinary action." (HM Inspectorate of Probation, 1993, 10 iii.)

The change of Government from Conservative to Labour in 1997 which included a change in Home Secretary from the right wing Michael Howard, who espoused a 'prison works' philosophy, to Jack Straw, did not lessen the pressure on the probation service to demonstrate a 'toughness' towards offenders, utilising the language of punishment.

Lord Williams, Minister of State in the Home Office with responsibility for both prisons and probation spoke at a debate at the annual general meeting of the National Association of Probation Officers in October 1998. Whilst trumpeting a change in funding that the Labour Government intended to give the probation service an extra £18 million for the financial year 1999-2000, when the Conservatives had intended to cut the



service by £6 million, he indicated that the Government supported the view of a recent Home Affairs Committee report:

In the main the Committees concerns are our concerns, and the report majors on ensuring the effectiveness of community punishment...The Home Affairs Committee commented that National Standards are a minimum basic set of requirements, and said that they were “alarmed” to discover that how frequently National Standards are not adhered to. They went on to observe - quite rightly - that strict enforcement of community sentences is vital if they are to represent a credible alternative to prison. (1998, 4)

The probation response was voiced in the comments of the new Deputy Chief Probation Officer of the Inner London (the largest) Probation Service, David Sleightholm, who provided the continuity of ethos and purpose with the previous political regime. The probation service could be the social control agency to provide half of the Labour Party mantra ‘tough on crime’, if not the second half of the mantra ‘tough on the causes of crime’:

The public see us too much delivering services to offenders, and not enough as delivering effective punishment, control and surveillance. (1998, 12)

### **From Casework to Corrections**

An increasingly tough response from the probation service would place the agency into a correctional context, not capable of creating change in offenders because of the need to ensure compliance. Althusser would have described this as a move from being part of the ‘ideological state apparatus’ to that of the ‘repressive state apparatus’. Ward highlighted this danger in the conclusion of his edited book:

The signs of a gathering momentum towards greater injustices are clear...a criminal justice system geared towards crime management through containment and punishment, and a Probation Service reduced to servicing community corrections will not work. (309, 1995)

The debate about the changing nature and tensions within the service has been discussed by Broad (1991), May (1991), Vass (1990). Harris neatly encapsulated the dilemmas:

We are left...with the problem of a profession which strives towards sensitive individualised judgements, and which has an in-built sympathy for its 'clients' being asked to manage a form of community punishment which will inevitably discretion shrinkage and increased routinisation. (1989, 32)

In recent years there has been a growing debate about social work values and the probation service (e.g. Nellis (1995), Spencer (1995), James (1995), Williams (1995)).

Other probation academics have been determined to discuss the need to practice in an anti-discriminatory manner (Denny, 1992). Nellis did not believe that there should be a link between social work, seen as too generic, and probation training. Instead he favoured: 'anti-custodial', 'restorative justice', and 'community safety' as appropriate values (for a discussion of the advantages of the restorative approach see Marshall and Merry 1990). Harris has argued for the separation of 'care' from 'control' within the probation service and the reinvention of something akin to the old Police Court Mission for vulnerable offenders with welfare and 'coping' problems. The service would then be freed to take on a case management role (1992)

There were two major reviews of probation training during the time it was linked with social work. Coleman (1989) recommended concentrating probation training into courses whose probation stream were better than the sub standard ones; and Dews and



Watts (1994). The latter review found considerable support for the maintenance of the partnership between the probation services and the social work courses with probation streams. Both organisations appeared to have heeded the criticisms of Davies (1989) in his research on newly qualified probation officers (see Wood, 1999). Dews and Watts reported that the training had become more skills based and probation focused, but the political timing of the report needs to be considered as this was at a time when both major political parties were trying to show a tough approach to law and order issues, with probation being a 'soft' target. The report was presented to the Home Secretary, Michael Howard, in September 1994, and made public in February 1995, together with a Home Office discussion paper. (For a defence of the links with social work, see Williams, 1996a)

Dews and Watts recommended removing probation from social work education and replacing it with in-house training and a higher qualification, based in higher education.

The report commented that probation recruits were over represented by women, the young, ethnic minorities (8% of the intake), and the single, divorced and separated.

Howard, accepted the break with social work, but rejected a University qualification of any sort (for a detailed discussion of the politics of this review, including the role of the media, see Aldridge and Eadie, 1997). Thus formal links with social work training came to an end. The final debate, which I attended, revealed that neither Conservatives nor Labour were committed to continuance of the link with social work, but Labour wanted to retain a professional qualification (House of Commons 6 December 1995). In the Lords, a number of Conservative peers lined up to speak against the government (House of Lords 1995). When the Conservatives lost the general election in 1997, there was no

alternative qualification in place. Although probation values have continued to be debated, the new Diploma in Probation Studies is very much a skills based qualification. It is difficult to ascertain whether Nellis' values have a place in the new probation training. Acknowledging difference is present, but predominantly the emphasis is on working to the effective practice agenda.

The new qualification, a Diploma in Probation Studies (DipPS), was announced by Joyce Quinn, Minister of State in the Home Office in August 1997. In a letter dated 29 July 1997 from Joyce Quinn to the Chair of Chief PO's (ACOP), she made it clear that the DipPS, to be based in Higher Education, must be located outside of social work departments. However "[It] should include knowledge and disciplines from other faculties, such as psychology, law, criminology and so on." (Joyce Quinn, Letter to ACOP, 1997) Besides demonstrating an ignorance of university structure, it is apparent that this new qualification draws on the same core theoretical base as social work, but it may not include the depth on providing the theoretical underpinning as before - the 'how' to do the probation task, rather than the 'why' practice follows its particular course. Nellis has argued that the new qualification is not of degree level and includes insufficient theory, and is too vocational. This view is challenged by Senior, who was heavily involved in the formation of the new qualification (see Senior 2000).

In particular, there has been a continuing debate about society and the need to exert control and surveillance on its citizens. Cohen (1979) foresaw the blurring between community sanctions and the prison with half-way houses being used as prison in the community. Foucault (1977) saw society exerting controls and surveillance over its



citizens. This was carried out in schools and factories as well as the prisons. Earlier two probation officers, in two books had attempted to construct a Marxist analysis of practice. (Walker and Beaumont, 1981, 1985). Whilst their analysis, in hindsight, could be described as somewhat crude, attempting to adopt an Althusserian logic of 'repressive and ideological state apparatuses, it followed on from the anti-positivist analysis of Taylor, Walton and Young (1973), that: society was unfair, blame was not necessarily the fault of individuals, and it had to consider the 'actors' and the 'reactors'. These analyses provided a sociological analysis of why the present changes are taking place.

There has been empirical research on young offenders which found that they had experienced major difficulties and deprivations in their lives. Stewart and Stewart (1994) surveyed 1400 young adult offenders and developed a typology of offending behaviour. It did not shy away from highlighting the effects of poverty, family breakdown and unemployment on young offenders. It highlighted research undertaken on behalf of the Association of Chief Officers of Probation, which showed that different Government Departments acted against each other to the detriment of individuals, destroying what was described as the 'fragility of hope'. The probation officers of the future need to develop skills and understanding of the lives and circumstances of offenders and have the skills to intervene with them, being able to move from a set 'script', if they are to be trusted by offenders.

Harris ably summed up the terrain of the current debate on the future of probation:

The Probation Service deals with far more complexity than is generally appreciated, but the agenda for the public debate today is not drawn up

by the service's friends, and the debate does not do credit to an advanced European liberal democracy. (133, 1996)

In terms of who sets the agenda in criminal justice and contributes to the difficulties in effectively working with offenders, the contribution of policy makers should also be critically evaluated:

It is time that criminologists and penal reformers add[ed] government to their list of variables that make up the 'social problem' of prisons and in general the machinery of discipline and punishment which includes community penalties. (Vass, 178, 1996)

If punishment, the proposed outcome for probation practice in terms of National Standards, really is meant to imply more than 'restriction of liberty', in addition a refusal to engage with, and understand the circumstances and world of the offender, then the language should be adjusted to take account of this, otherwise the Home Office and the public, as well as workers in the criminal justice system, will be working on different paradigms.

The underlying theme of the 1992 and 1995 versions of National Standards demonstrated that the US model of probation, a paradigm of punishment, particularly the use of imprisonment, was being established in England and Wales, without the public being made aware of the consequences this:

The information people get here [United Kingdom] about the state of crime and punishment in America is both incomplete and misleading. Nor is this entirely accidental. A great many people in the United States for a variety of reasons - ideological, political, sometimes financial - have a considerable stake in the continuation of our present crime-control policies. For all of those people, it is accordingly very important that those policies be perceived as successful. Acknowledging failure would simply call too much into question - not just the specific matter of how we have dealt with crime, but how we have chosen to order our society



as a whole. (Currie, 1996, 4)

Roberts, writing as recently as 1996 for the new Oxford University Probation Studies Unit (PSU Report No 1); commented that “it is still the case that there has been remarkably little research into the supervisory work of probation officers.” (1996, vii). The research described by Roberts, Burnett, Kirby and Hamill was a pilot study for evaluating practitioner practice. However it stated that of the 90 offenders studied, a random survey of new cases started in the test area over a timed period, *only* 16 were women and only 7 were from ethnic minority groups. Thus the research was evaluating predominantly appropriate interventions with white males. Offenders predominantly described their supervision as ‘extremely useful’ 35% overall, or ‘fairly useful’ 35% overall.

The research by May (1995) revealed the tensions present in the probation role, if it included the notion of responsibility towards the offender to ensure ‘just deserts’. Many probation areas used ‘risk of custody’ scales to calculate possible outcomes of court appearances, drawing on also the personal history and previous conviction(s) of the offender. He described a situation where a PO had been shocked that one of her offenders had received a prison sentence when the ‘risk of custody’ score had been zero.

The PO had got her senior to ring the solicitor to check on whether they would be advising the offender to appeal and was told that the police had overheard the PO discussing the appeal with the offender and had informed the magistrates who were “displeased”. The PO regarded this as their ‘right’ to do so (ibid, 114-115). This tension between the PO and the judiciary is ignored by the Audit Commission in the report (AC 1991) which stated that the courts were the ‘customer’ for the probation

service, in terms of requesting pre-sentence reports and taking up probation options for offenders. Where this leaves the offender, is presumably as the passive recipient of whatever sanction the court decides to order. Thus both the probation officer and the offender is rendered powerless to alter events.

Probation, which traditionally had been the caring side of the criminal justice system, was under pressure to demonstrate that it was effective, but what this actually meant was confused (Mair 1997). McGuire (1995) recommended neither being punishing towards offenders nor indulgent, what was needed was constructive action, typically drawing on the cognitive-behavioural approach. The Home Office in What Works: Reducing re-offending evidence-based practice (1999), gave the principles used to evaluate the pathfinder projects that would become the model throughout England and Wales for delivering all (evidence based practice) programmes. This will become central to the way that offenders will be worked with. Each programme had to have:

1. A clear model of change backed by research evidence  
(This was to include how the programme was intended to work)
2. Targeting criminogenic need  
(Changing factors closely linked to the offending of the participants)
3. Dosage  
(Amount, intensity, sequencing and spacing of intervention, is related to seriousness and persistence of offending and typical participant criminogenic factors)
4. Responsivity  
(methods to target criminogenic factors should be ones offenders will respond to)
5. Effective methods  
(Methods used in programmes should have been demonstrated to be consistently effective with offenders)
6. Skills oriented  
(Programmes should teach skills to make it easier to avoid criminal activities and engage successfully in legitimate ones)
7. Selection of offenders



- (Offenders criminogenic needs and risk levels should be at levels targeted by the programme)
8. Case management  
(There had to be clear links between the programme and the overall community supervision package)
  9. Monitoring and Evaluation  
(There should be a built in commitment to monitoring the quality of delivery and the long-term evaluation of outcomes)
  10. Programme construction, manuals and change control  
In order to replicate programmes clear documentation was essential to run the programme in the manner it was designed. This had to be maintained over time.

In many ways the proposition that practice should be ‘evidence-based’ is hard to argue with, but it is the context that is important, rather than the decontextualised statistical power (Smith, 2000b). Smith was concerned that “a great deal of evaluative research is not very good. Positivism must...take some of the blame for this” (2000b, 4) He despaired that many papers submitted to him, whilst he was the editor of the British Journal of Social Work, “showed a preoccupation with statistical testing combined with very little understanding of what statistical tests are for and in what circumstances they are useful.” (ibid, 4) His article reads as a strong warning to be careful in naively believing the scientific promise of this approach.

Looking at the above ten points, issues of discrimination are absent, as offenders are atomised into their criminogenic and non criminogenic elements, the former were the parts to be worked on. It ignores social factors, despite the research of the Home Office highlighting the influence of these. The message of young people, in custody (Lyon, Dennison, and Wilson, 2000) enjoys a foreword by Paul Boateng, Home Office Minister, which urged the reader to listen to what the young people had to say, and the message spelt out in the Executive summary from the young people was:

many had had to struggle to survive in difficult and disrupted circumstances. They talked about “rough, nasty areas” where violence, crime, drug use, unemployment and poverty were just part of everyday life. (2000, viii)

A further edited Home Office paper, Reducing Offending (Goldblatt and Lewis 1998)

made the non surprising discovery that risk factors for later criminal behaviour included:

poverty and poor housing; poor parenting...; association with delinquent peers, siblings and partners; low measures of intelligence, poor school performance and persistent truancy; high levels of impulsiveness and hyperactivity; and being brought up by a criminal parent or parents. (ibid, 123)

The limit in the usefulness of this (rather obvious) shopping list of problems approach is exposed, as the narrative continues:

*Although we cannot predict accurately which individual will become an offender on the basis of the risks to which they are exposed, we do know that children exposed to multiple risks and those who engage in anti-social or criminal behaviour at an early age are more likely to end up as serious or persistent offenders (ibid, 124 my emphasis)*

The offender is damned by their personal circumstances, the more unfortunate, the more they are labelled as being at risk. The more they will be targeted by the programme, the higher the level of intervention as they have a more criminogenic level of risk. The higher the risk of failure. In the past, probation officers would take on bureaucracies like the Department of Social Security or Housing Departments, to ensure that the rights of offenders were met. This is missing from the ten points. This is also the nub of anti-discriminatory practice, to challenge racism and other issues relating to unfairness when they are exposed:

For the Probation Service to have the right to expect its clients to assume some responsibility for their lives, it has to accept its responsibility to make interventions on behalf of those clients and stand alongside them.



(Drakeford and Vanstone, 1996,106)

The danger with a centrally orchestrated and tightly managed system, even allowing for Smith's concerns that it is difficult to research the effectiveness of programmes; is that the needs of the individual are assumed to be those dealt with by the programme. The problems are located within the offender, rather within the wider society, and are therefore ignored if they require structural challenge and change. Probation research has shown that offenders find it difficult to maintain a decision to abandon crime, and need guidance from PO's, who they saw as being concerned with their wellbeing (Rex, 1999). It remains to be seen whether implementing pathfinder programmes, at a time when individual offenders are receiving less time with PO's each month, and when community orders are backed up with more punitive sanctions, will allow this concern for offenders by PO's to be demonstrated. Will there still be scope for individuality by PO's?

### **Probation Since the Change to a Labour Government**

The Labour election campaign was unprecedented as it sought to establish itself as the party to be tough on law and order and this was carried out in its practice (Brownlee, 1998). The incoming Labour Government elected on 1 May 1997 inherited a rapidly rising prison population and the new Criminal Justice Act, 'The Crime (Sentences) Act 1997' which abolished automatic release from prison and parole and substituted a 'discount' system for good behaviour and co-operation. It also imposed mandatory life sentences for second convictions of a serious sexual or violent offences and minimum sentence on third time Class A drug offenders and domestic burglars. It allowed fine defaulters to be given community service orders and /or be electronically tagged. Thus

the penal climate continued in its punitive trajectory, indeed the Labour Government implemented from the Act, automatic three year sentences for third cases of burglary.

Jack Straw, Home Secretary in the first Labour Party administration for eighteen years, continued a seamless theme with his conservative predecessors, placing responsibility for offending firmly with offenders and having no time for 'strain theory' explanations for offending. Speaking on how to make 'prisons work', he commented that the first priority was:

we should be directly challenging the underlying attitudes and behaviours that propel inmates back into crime. Most offenders lack respect for themselves and others. (1999, 11)

This approach avoided the need to consider issues of discrimination and unfairness in the criminal justice system. If the United Kingdom followed the example of the United States of America it is possible that the racial and ethnic imbalance within prisons, already demonstrated within the United Kingdom could be further skewed. Currie gave the following statistic for America: in 1970 there were 196,000 inmates in state and federal prisons, excluding local prisons and juvenile facilities. By 1994 1.1 million were in prisons, 1.6 million including local jails and juvenile institutions. (Currie 1996 5-6).

In terms of ethnic breakdown, since 1980, white inmates have increased by 169%, black inmates by 222% and inmates of Hispanic origin by 444%. Currie quoted the research of his colleague, Marc Mauer that one in three black men aged between 20-29 "are under the control' of the criminal justice system - that is, in jail or prison, or on probation or parole" (1996, 6).



Traditional probation training with its emphasis on 'anti-discriminatory practice' would not fit comfortably into a system which discriminated to this extent (Pitts 1992, Vanstone 2000). Whether existing probation officers were experiencing a tension between their *modus operandi* and their value base was fundamental to my prior conceptual framework which generated my Central Research Question, the title of my PhD (Wengraf, 1994, 52). This tension for the probation service was exacerbated by the need to maintain its credibility, within the larger criminal justice system and requires sensitivity to cultural difference within the staff group:

On entry into the Probation Service, black practitioners are socialised into a racist culture which sometimes devalues their own humanity and leaves them feeling isolated. (Dominelli, Jeffers, Jones, Sib and Williams, 1995, 14)

It is even less clear what PO's would make of the proposals from the Deputy Commissioner from New York for probation which renders cultural sensitivity towards offenders obsolete. Two electronic tools were envisaged, the first automated case records, like CRAMS, secondly the technological use of a:

computerised kiosk reporting for low risk probationers. It requires the development of interactive computer technology, capable of 'recognising' the probationer via hand geometry or fingerprint; with facilities to collect information from probationers, and provide them on request with information about services they may need in their area. (Roberts and Domurad, 1995, 63)

The Labour Government has placed on record its intention to increase the use electronic monitoring in the future and in 1999 there were four pilot projects with the purpose of evaluating the use of tagging to ensure compliance to curfew conditions as laid down in the Criminal Justice Act 1991, but not implemented. Paul Boateng, Minister of State at the Home Office, confirmed this in his keynote speech to Chief Probation Officers and

Chairs' of Probation Committees in October 1999. He commented that the 'Home Detention Curfew scheme' had started in January 1999, whereby prisoners were released on discretionary controlled release (parole). He saw this as "an effective means of easing the transition from custody back into the community." A more cynical response would be that tagging represented a cheap way of ensuring home confinement and a way of reassuring the public that the prisons were not being emptied in a 'soft' manner. He continued by stating that "It provides an element of stability, which can help to disrupt offending patterns." and hinted that this would be useful for prisoners serving sentences of less than one year who were not subject to compulsory probation post-release supervision. Thus Stan Cohen's warning of the blurring of the boundary between prison and the community becomes more apparent. Boateng postulated about the future and had a further possibility which was not mere conjecture. He considered the use of what he described as "reverse tagging" whereby people could be excluded from certain areas. He linked this to a "comprehensive response to domestic violence" but it was clear that this was not the sole possibility as he continued "Our work is at an early stage but this is an exciting and growing area."

The above would constitute the ultimate break with probation's social work past, with a sole concentration on reporting for its own sake. Combining police and probation resources makes twenty four hour supervision a "highly accountable reality." (Harding 2000b) Boateng made this explicit. "[The] Probation Service is a law enforcement agency. It is what we are: it is what we do."

Giddens helpfully locates the possibilities available in a post-traditional society, where



tradition is described as the mechanism whereby disputes are settled “between different values and ways of life.” (1994, 104) In multi cultural (and class) terms, it is more accurate to talk of traditional societies, each with its own culture and customs, each existing within its own space. He continues:

Looked at analytically, there are only four ways, in any social context or society, in which clashes of values between individuals or collectivities can be resolved. These are through the *embedding of tradition*; *disengagement* from the hostile other; *discourse* or dialogue; and *coercion* or *violence*. (ibid, 105 emphasis in the original)

Clearly the modus operandi within criminal justice is one of embedding the values, not just of a law abiding society, but also in terms of what is defined as ‘good parenting’, not indulging in ‘anti-social behaviour’, and in ensuring the compliance of young children or else risking the imposition of ‘child safety orders’ (all part of the state armoury legitimised in the 1998 Crime and Disorder Act). The dominant force of the new orthodoxy entitled ‘what works’ is to engage with offenders in a cognitive skills way.

The absolute imperative to conform to National Standards is a coercive tool aimed at ensuring compliance. Discourse analysis of National Standards revealed absolute modality to the message of punishment. Giddens stated that “Tradition, plainly, is bound up with power, it also protects against contingency.” (ibid, 104). The changes in the nature of the delivery of probation represent a major break with the past and a will to change from a tradition which had a sympathy for the offender, or at least an appreciation of the personal situation that the offender had originated from.

The cognitive approach to dealing with offenders is a valid method of helping them to change, by working on the ‘here and now’, rather than focusing in on what had

happened to offenders in their past, the traditional psycho dynamic approach. However the overriding focus and preoccupation with reporting and the use of, and mechanical dependence on, actuarial risk assessment scales in assessing individuals, decontextualises offending, its causation, notions of fairness, oppression, indeed all the traditions of society, leaving the individual as an entity to be reprogrammed, or at least to be trained in methods designed to stop them offending. In an interview with Celia May, the Permanent Under secretary at the Home Office, David Omand (since January 1998), a career civil servant, previously Director of GCHQ and with mostly experience in the Ministry of Defence, put across his opinion of how the probation service had to change:

In his view, the crucial element of the [prison/probation] review centres on convincing the public that the Probation Service has a “hard edge” to its work and that a community sentence is not shorthand for “getting off scot free”. (Probation, 24 Oct 1998, 7)

## **Just Deserts**

In this context the White Paper of 1990, broadly translated into the CJA 1991 represents an attempt to provide an epistemological break with all previous criminal justice legislation:

at the heart of the White Paper and of the 1991 Act is the idea of ‘desert’ - that the severity of the sentence of the court should be directly related to the seriousness of the offence...It is predicated on the idea that the level of seriousness of each offence and the severity of a particular type of sentence can be gauged accurately enough to allow some sort of scale or ‘hierarchy’ of punishments to be established, so that punishments can be ‘traded’, as it were against offences of equivalent seriousness. (Brownlee, 1998, 18)

The concept of proportionality, according to Brownlee, meant that sentences like



probation could no longer be considered as 'alternatives to prison', rather they needed to consider how far, for example, the community sentence represented a restriction of liberty - how punitive was the sentence when applied to the offender it referred to? All sentences of the court had to be seen in terms of their degree of punitiveness, any rehabilitative potential had to be regarded as a bonus.

The CJA 1991 was described by Worrall as the "culmination of Thatcherite criminal justice policy" (Worrall, 1997, 36), with its emphasis on just deserts. As she pointed out, within six months the pressure of the legal lobby began to tell as the judiciary objected to the curbs on their sentencing powers. As McWilliams had pointed out about earlier legislation (CJA 1967), the Government backed down and the CJA 1993 overturned the restriction on considering the offence and 'one other' when sentencing, so all previous convictions could be considered when looking at the seriousness of the offence. In addition, unit fines, a measure to link the level of fine with the income of the offender was also abolished.

In 1991 the Audit Commission produced a further document on the probation service which found "that the service continues to develop a more managerial approach. Systems to target field team activities are being widely applied and information systems are being used to support the process." (AC, 1991, 13). Following the Criminal Justice Act of 1991, probation became a sentence of the Court in its own right, but there was a political sensitivity towards the public view of probation. The need for probation to be seen as *punishment* is a major paradigm I wished to investigate. Do PO's see their role as one of punishment, do they act punitively towards their clients, do they feel a

state of tension between how they are supposed to act and how they actually act?

Morris posed the question concerning the central purpose of the penal system:

What is it we seek to do - to reform and change them, or control them?  
We could do well to challenge the simplistic notion that those who commit crime deserve to be punished because they have done wrong and know that they have done so. It is more complex than that, not least because a lot may depend upon how far those who commit offences see themselves as having an obligation to behave well. Alienation, combined with a sense of anomie...is a deadly cocktail, the effects of which are likely to take more than a simple incarceration to overcome. (1999, 8)

Despite the moulding of the probation service into a vehicle satisfactory for the Conservative Home Secretaries, Michael Howard changed the status quo dramatically as he espoused the mantra that “prison works”, in his view, rather better than probation did. This was at a time when the ‘nothing works’ mantra was being challenged abroad by researchers evaluating probation programmes that had adopted a cognitive framework. This was the development of a new practice question “what works”. Ross, Fabiano and others (in Canada) produced research which appeared to show that their approach could change the levels of reoffending. Their conclusion after reporting a reconviction rate for the ‘cognitive approach’ of 18.1%, nine months after the treatment programme. This compared to 47.5% for a ‘life skills’ approach and 69.5% for ‘regular probation’:

These data provide support for the view that cognitive training can lead to a major reduction in recidivism. Support for cognitive training as an effective method in reducing the recidivism of high-risk probationers is clearly observed. This type of training can be effectively conducted by well-trained and well-supervised probation officers. (Ross, Fabiano and Ewles, 1988, 34)



## Probation and the Punitive Tendency

In this respect the Home Affairs Committee, Third Report in July 1998 carried the title: 'Alternatives to Prison Sentences'. This report carried the jargon of managerialism and Taylorism and the threat of privatisation into its investigation of probation and enforcement practice. It is worth quoting from the report in detail:

**Strict enforcement of community sentences is vital if they are to represent a credible alternative to prison and retain the confidence of sentencers and the public. If community sentences are to be credible they must be enforced stringently. It is therefore entirely unacceptable that local probation services are, on average, taking breach action in accordance with the National Standards relating to probation orders in barely a quarter of cases. The Home Office should set a minimum target for all local probation services to comply with these standards, ensure that the Inspectorate assesses each local service on this every year and that it requires publication of the results, and take action against those which fail to meet the target. Consideration should be given to reworking the funding formula for local services to provide an incentive for services to meet this target. (Home Affairs Committee Third Report, 1998, para 87 xxvi bold in original)**

**It is essential that offenders who breach community sentences are returned to court quickly. It is not satisfactory that warrants take so long to enforce, and command so little confidence amongst sentencers and probation officers. We recommend that the Home Office institutes a new target and Key Performance Indicator for police services for the time taken to execute warrants, and that it monitors the amount of time taken to do so on a force by force basis. We also recommend that civil enforcement agencies be used to execute warrants on a trial basis and that their performance be assessed against that of the police in terms of speed and cost-effectiveness. (ibid, para 91 xxvii bold in original)**

Taking these two extracts together demonstrates the erosion of probation officers' discretion to look at the individual circumstances of the offender, whether a woman with dependent children, an unstable addict, or a petulant youngster; it is attend or be

breached. The personal circumstances of the offender competes with the threat of redundancy, for as threatened above, the service faces a cut in budget if PO's do not conform.

## **Social Exclusion**

Finer, at the end of her joint edited book on Crime and Social Exclusion examines the consequences of Britain becoming a 'stakeholder' society, which she describes as a situation where the state resembles a 'joint stock undertaking' and society is organised on behalf of its "paying' or 'paid up members". (Finer, 1998, 155). She warns that "Stakeholders want bargains not presents...Those without stakes or *sufficient* stakes in a world where stakes are everything will not simply go away." (ibid, 169-170 italic in original). This has now been brought into sharp relief. The Child Support, Pensions and Social Security Bill, clauses 61-65 state that if information is laid before a court that an offender is alleged to have breached his or her order, then all benefits are suspended automatically (NAPO News June 2000). On 27 June 2000 the Lords voted against this and defeated the Government by 170 votes to 116 (NAPO News July 2000).

Smith and Stewart provided convincing evidence that probation offenders (clients) are indeed 'socially excluded' in terms of "deprivation, poverty, stress and personal difficulties". (1998, 97-98) The new penology is not concerned with theories of crime, moral or clinical descriptions of offenders. Instead it is the actuarial language of probability. The new objectives are not to punish or rehabilitate, but to identify and manage the unruly (Feeley and Simon, 1992).



In this brave new world **Finer** commented that “Probation looks out of fashion, save maybe to the extent it can be rendered more militaristic, simplistic and punitive in style.” (1998, 168) This is because rehabilitation must take second place to retribution and deterrence. Probation trainers though still feel confident to promote the mantra of effective practice with its emphasis on the risk principle (the higher the risk of reoffending, the more intensive is supervision), the need principle (programmes targeting (criminogenic) needs related to offending are likely to be effective), and the responsivity principle (programmes engaging actively with offenders are likely to be more effective) The warning given is that this is not a cheap option and has to be done well (**Lewis**, 2000).

It is sobering to think that the Chair of the Home Affairs Committee has the credentials of being a radical pursuer of social justice, but has succumbed to the punitive response to offenders. The punitive response fails to take into account the research that black people are disproportionately represented in the criminal justice system and women offenders are increasingly likely to be sentenced to prison. The permanently excluded segment of society has been labelled an underclass. In America this group was largely comprised of the black and Hispanic population living in the centre of the cities, in poverty. Others might be poor and unemployed, but the underclass were permanently dysfunctional, not integrateable and in a violent culture:

Actuarial justice invites it to be treated as a high-risk group that must be managed for the protection of the larger society. (**Feeley and Simon**, 1994, 192)

Ulrich Beck commented that 1989 was a symbolic year in history as “the year in which the communist world fell apart.” (1994, 1) As mentioned earlier, it was the year that the Audit Commission and National Audit Office publications highlighted the need for the probation service to become economic, efficient and effective i.e. start using the language and structure of managerialism. Beck coined the term ‘reflexive modernisation’ to mean “the possibility of a creative (self-)destruction for an entire epoch: that of industrial society.” (ibid, 2) He foresaw that it was not a Marxian interpretation of a crisis of capitalism, rather capitalism was evolving into another modernity in the wake of “...industrial society becoming obsolete. The other side of the obsolescence of the industrial society is the **emergence of the risk society.**” (ibid, 5 my emphasis added)

Beck envisaged that within this new modernity the nuclear family would become a ‘rare institution’. He added:

There are increasing inequalities, but class inequalities and class-consciousness have lost their central position in society...Individuals are now expected to master these risky opportunities, without being able, owing to the complexity of modern society to make the necessary decisions on a well founded and responsible basis, that is to say, considering the possible consequences. (ibid, 8)

It is in this changing arena that the evolving nature of probation practice has to be considered. The early ethos of ‘advise, assist and befriend’ formalised in the CJA 1948 has been put to rest and in its place is the central importance of assessing and managing issues of risk. In June 1999 the Home Office published the regulations for the new Diploma in Probation Studies and in the first section entitled ‘Regulatory Framework and guidance notes’ the role of the newly qualified probation officer is articulated. This



new qualification took its on first intake in September 1998 and the first staff qualified will be ready in July 2000. The role is stated as follows:

- Working effectively within a framework of statutory duties and powers and alongside other organisations, particularly those in the criminal justice and community justice systems, the probation officer seeks to protect the public, promote community safety and prevent crime by
- evaluating information in order to make assessments and providing reports, in respect of risk and other matters of concern, to those organisations using the service in both criminal and civil jurisdictions
- managing and enforcing both orders of the court and licences
- working directly with offenders in order to bring about changes in behaviour which reduce the impact on victims and the risk of harm to members of the community
- managing and co-ordinating the contribution of other services. (Home Office, April 1999, 1)

The new adage, from this list, can be articulated along the lines of: assess risk, manage and enforce legal sanctions, change/challenge offending behaviour, be a case manager.

In order to assess risk, the Home Office has utilised several different assessment programmes, including OGRS, ACE and LSI-R. Her Majesties Inspectorate of Probation produced a report in 1998 entitled 'Strategies for Effective Offender Supervision', by Andrew Underdown, as part of the HMIP What Works Project. Several probation areas were due to test LSI-R, a Canadian assessment instrument. The report commented:

[LSI-R] seeks to support structured assessment of reoffending risk and offender-related need. It is designed to inform decisions on the level of intensity of supervision and allocation to programmes and services. It was also intended for ongoing use during the course of supervision to capture changes in likelihood of reoffending during the period of probation. (Underdown, 1998, 78)

Underdown reported on a number of projects operating around the country and proposed a model whereby the probation officer as case manager oversaw at the highest

level of involvement cognitive skills/social skills training. This might include behaviour therapy for self control and self understanding. The next layer down included providing victim awareness, input on substance abuse and other problems eg driver re-education, citizenship and health. The next layer down concerned resolving problems/meeting needs in family and the community eg support within the family, accommodation, financial advice, access to employment, education, health provision. Finally, opportunities in these area in the community and reintegration of the offender. This model has been breached by the announcement of Paul Boateng that probation officers must engage with homelessness, the bottom rung of the model, typically worked with in partnerships. The discovery from the rough sleepers initiative that many of the homeless are offenders has brought a new spin to priorities. The problem with the above is that one cannot atomise the offender and deal with discrete bits in descending order. There is a danger that new style workers will not have the holistic knowledge and skills of their predecessors and practice will not prove to be effective after all.

Buzz words from a slightly later report by Chapman and Hough (1998) were 'effective methods': effective programmes to be 'multi modal' ie using a variety of methods to address 'criminogenic needs'. It is worth setting this out in detail as it is the essence of 'what works' eg group work for: "role play, peer education, challenge and support; cognitive and interpersonal skills training, reflection on common difficulties" (Underdown, 1998, 14) Individual work for: high levels of "intervention and surveillance to protect others from serious harm, reflection on some personal disclosure, self monitoring and self-instruction training, tutoring or applying learning outcomes from groupwork to personal circumstances, managing personal obstacles to programme



participation.” Family work, experiential learning, drama and other therapies to work on anti-social issues, skills acquisition, cognitive and behavioural psychology, pro-social modelling (explained as offering praise/reward so that the probation officer becomes a positive role model. The interesting thing about the above is that it is not incompatible with previous practice, but it has taken on the mantle of innovation. It is heavily linked to evaluation but not to the increasingly rigid nature of supervision and sanction.

It can be seen therefore that one likely future scenario is that offenders are given an assessment of their criminogenic potential and risk to the public. This is then used to decide on what type of offending behaviour group they should attend, indeed what services they should receive. The programmes, to ensure quality and consistency are then delivered, without variation, ongoing further assessments are carried out to check on possible changes to criminogenic potential. As programmes are delivered to script, it is unclear whether qualified probation officers would be needed, probably not. Thus the probation role becomes one of case manager and overseer of compliance to court orders in line with National Standards.

Feeley and Simon (1994) described the institutionalisation process of actuarial justice:

Supervision’ consisted of monitoring levels of risk as determined by several indicators, most prominently drug testing. Moreover, with large portions of the non-incarcerated population in some of the poorest and most crime victimised communities in the country, probation, parole or some other form of community supervision are becoming a lower end cost alternative to traditional justice. (1994, 180)

Kemshall in her book called Risk in Probation Practice described the assessment of risk as the core business of the probation service and “supplanting ideologies of need, welfare

or indeed rehabilitation.” (1998, 1) This carried the implication that these could somehow be separate to, unrelated or irrelevant to the risk of reoffending. Infact Kemshall, whilst acknowledging the shortcomings on basing assessments of risk purely on clinical judgement also commented that the

psychometric tradition of risk assessment has been criticised for failing to incorporate a social dimension into its approach.” (ibid, 31)

Despite her balanced approach which places value on both aspects, the clinical approach has fallen out of favour with policy makers. The new assessment tool, OASys, will define level of risk, and ensuing ‘treatment programme’ from a repertoire of pathfinder agreed programmes which cannot be deviated from for the sake of programme integrity.

This is linked to electronic tagging in some instances and multi agency co-operation and surveillance for heavy end offenders. Stan Cohen in New Society (March 1979) called his trilogy of articles “How can we balance justice, guilt and tolerance?” He commented that: “The survival of conventional criminology cannot be explained in pragmatic terms alone. It has simply not produced theories or policies which ‘work’.” (1979, 476) He questioned whether ‘just deserts’ could work within an unfair society, maintained by the penal system.

Prisons did not have to justify themselves, unlike industry, when their product failed (the discharged prisoner), the simplistic economic reductionist argument of Scull, failed on this point. Cohen foresaw the changing nature of criminal justice and increasing ‘community control’ although the technology then was primitive. Firstly, blurring referred to the “increasing invisibility of the social control apparatus.” With electronic tagging ensuring compliance to home confinement, half way in or out of prison is



unclear. hostels operating curfews act in a similar manner. Secondly widening, previously alternatives to prison were in reality alternatives to other non custodial sentences, fines dropped as probation orders rose. After the 1991 Act combination orders of probation and community service were made when previously one or other would have been ordered. most dramatically first time young offenders can be given a 'cocktail' of activities by the new youth offending panels. Thirdly, masking is the process whereby new programmes are portrayed as helpful to the offender and not intrusive. Certainly to be seen as less punishing than prison. However the new National Standards 2000, containing Jack Straw's laddish analogy with football, one missed appointment yellow card (letter must have a yellow sticker or be yellow), two missed appointments red card (letter must have a red sticker or be in red) and back to court, raises the likelihood of custody as the discretion of the probation officer is diminished.

Cohen advocated a moratorium on prison building, lowering prison sentences, mediation and a wariness towards 'over zealous probation officers' and other specialists. Sadly what appears to have happened is that probation managers are prepared to jump on the punishment bandwagon and talk the language of New Labour, that probation is about punishment. According to Williams "there is a widespread understanding among those who work in the system that punishment alone will not change offenders behaviour." (1996, 34) These two factors both advance the possibility of a schism between probation managers and frontline staff as well as undermining the potential for preventing reoffending. This is a pity as the STOP programme, evaluated by Raynor Smith and Vanstone (1994), appeared to show good potential for a cognitive approach which allowed probation staff to work with offenders on issues like how they managed their

anger and frustration.

In May 1999 Jack Straw, Home Secretary, had confirmed to an audience of Chief Probation Officers “that there would be a huge organisational shake-up of the Probation Service” (NAPO News, May 1999, 1) According to the bullet points listed, this included a unified national probation service, to be led by a National Director, Chief Officers to be appointed and paid by the Home Office, 42 local areas to be coterminous with police areas, each led by a local Probation Board, each with a Chair appointed and paid for by the Home Office. The final bullet point is quoted in full: “The Home Secretary will take greater powers to direct - to require - necessary outcomes and standards of service delivery.” (ibid, 1) In a response by NAPO’s Assistant General Secretary Harry Fletcher, on the same page, the formation of a national service was welcomed but the caseload crisis of probation staff was highlighted as a major obstacle to progress.

However the field of criminal justice, under New Labour has been a fast changing one, following the Prisons-Probation review and policies have not been allowed to ‘bed in’ before they are modernised again. The probation-practice E-mail discussion board (run through mailbase) contained an E-mail by Oldfield (research department Kent probation service) on 1 July 1999, which indicated a hitherto unannounced development:

the Home Office is working on a combined risk assessment tool for the prison and probation service. This would replace locally-used tools such as ACE and LSIR. The scale ...looks like a (very) long psychometric questionnaire. The version I saw at the Home Office ran to some 40 odd pages and is not, to my mind and those of colleagues with me, oriented towards PSR interviews at all. Each topic seems to generate a cluster of questions so that under employment, one question asks “willing to do anything?” I suspect that this level of detail will not only represent



overkill but will also be unmanageable in practice. The Home Office feel it will be workable. Still that's what they said about CRAMS and now, some £100 million later they are looking at replacements for it. There is also likely to be a growth in the amount of money put into electronic monitoring. Apparently Home Office ministers are suddenly very excited by it (again) and are keen to increase its use. (Oldfield M, 1 July 1999)

The Labour Government therefore, it can be argued, is clear about how it views the future of the probation service, which is largely as a service working to tight guidelines, where professional discretion is limited. The Home Affairs committee report, published in 1998, is very critical of the failure of probation officers to take offenders back to court and wants this National Standard adhered to much more closely. Yet this is one of the few areas where there might be a professional decision taken that an offender might be trying to change and reorganise their lives. If the offender has demanding dependents, has a substance misuse problem, is homeless or destitute, mental health problems etc it may be beyond their ability to manage the rigours of weekly reporting or attendance on a programme.

There is a mechanistic element in how programmes to offenders are delivered and the demarcation lines between qualified and unqualified staff will be blurred. This is because if 'treatment' programmes are rigid and deviation is not permitted for the sake of 'programme integrity', then it follows that staff can be trained to deliver set parts. This is not just conjecture but evidence exists of these changes. In the field of youth justice, youth offending teams have now been formed, encompassing a number of different professions, including social workers, probation officers, education, health, police and the voluntary sector. All staff are eligible to write pre-sentence reports, not just those with a social work qualification.

This 'brave new world' had not impacted on the adult offender in 1997, when there was a probation satisfaction survey published, which was a random postal questionnaire of 106 probation supervisees in Dorset, which yielded 93 'useable' responses or an 88% response rate (66% on probation, 22% on post-custody licence). The respondents appeared very positive about their probation contact:

Although probation officers' ability to assist with practical problems might be limited by scarce resources, they are clearly seen as competent with family problems, and the listening aspect of counselling. They help with boredom and loneliness, and when necessary refer people on for other kinds of help. Crucially they are considered trustworthy, helping people to help themselves, and in respecting their clients helped restore damaged self-esteem. (Ford, Pritchard and Cox, 1997, 57)

There is a gap between what effective practice needs for a sufficient 'dose' of probation officer time to work effectively (Chapman and Hough, 1998), and what is actually offered, this has been blamed on the structure of probation supervision (Smith, 2000a). McClelland (2000) calculated that in 1998 offenders were being seen for about 16 minutes per week, less than half the time available in 1992. The third version of National Standards, April 2000, became operational on the first of that month and the relationship between probation officer and offender has even less scope for discretion. Hedderman and Hough, who carried out two national audits of probation compliance to National Standards 1995 for the Association of Chief Officers of Probation, firstly in early 1999 and the second six months later, found increasing compliance with the Standards which they thought should increase public confidence in the probation service. Despite this, the new Criminal Justice and Court Services Bill, and in particular Clause 46, gives the Court less discretion when dealing with breaches of community sentences, as the



expectation contained in the Bill is that breaches will be expected to be dealt with by a term of imprisonment. Their article 'Tightening up probation: a step too far', warned:

The gains made by offenders prior to breach proceedings will be sacrificed on the altar of tough-mindedness; probation officers will no longer be able to use the breach process as a sharp reminder to recalcitrant offenders of the need to comply with supervision. There will be more breach proceedings, at a time when demands on the police and on the courts are already injecting unacceptable delays in serving warrants and listing cases; Some probation officers will simply avoid using formal warnings in cases where a prison sentence would be disproportionate; Sentencers will be denied a constructive role in monitoring the progress of probationers; Some sentencers are likely to pass nugatory sentences in cases where a prison sentence would be disproportionate, signalling a lack of confidence in the legislation. (2000, 5)

Tony Leach (2000) in an article in the probation managers journal Vista came closest to criticising the current drive to standardise programmes for all offenders, attacking this on a number of fronts. Although initially articulating his ambivalence to writing at all for fear of being misinterpreted (by fellow senior managers or the Home Office?), he started by questioning what was meant by effective practice and then turned to the courts, where orders are still being made on 'welfare grounds'. He argued that as the courts (to quote an old Audit Commission report) were the legitimate customers of the probation service, it was their right to do this. Secondly, he stated that knowledge of 'what works' was still in its early stages and the jettisoning of earlier practices was akin to putting all the eggs in one basket. Thirdly, the complexities and differences between offenders could be underestimated and "offenders will be made to fit willy nilly, even if it means stretching them a bit or lopping off bits here and there." (Ibid, 145) Fourthly, social factors were being ignored especially when programmes were seen as not only necessary but also sufficient. Finally, there was a danger of "applying the effective practice

approach in a very rigid, simplistic, centralised and monolithic fashion which would shut off other legitimate goals of supervision...” (Ibid, 148)

Will the above changes affect the nature of the relationship between probation officer and offender and consign the satisfaction survey of Ford, Pritchard and Cox to history?

Harding, Chief Probation Officer for the Inner London Service, gave a coded warning in his article at the start of the millennium. He took as his starting point the 1998 document ‘Joining Forces to Protect the Public’ and I will consider some of the key concepts in the document before returning to Harding’s concerns. This document was a review of the position of the prison and probation services and was seen as necessary as: “A system of punishment which is effective, credible and therefore commands public confidence requires both community and custodial sentences to work, and to work well together.” (1.1) The report acknowledged that as prison governors became responsible for their budgets so the number of prison probation officers declined. In financial terms £16.7m in 1996-7, a fall to £15.6m in 1997-8. Numbers of prison probation officers fell from 659 at the end of 1995 to 561 at the end of 1996. The report envisaged a “harmonisation of NVQ’s (training) for both services and a “harmonisation of the competence framework”, “Joint commissioning of competence-based training involving the identification of common priorities for both services...A target for joint training-provisionally 5% in the first place...Senior management exchanges and cross-postings.” (4.12)

It is at this point worth restating the remit of the prison service which is: “Her Majesty’s Prison Service serves the public by keeping in custody those committed by the courts.



Our duty is to look after them with humanity and to help them lead law abiding lives in custody and after release.” This does imply fertile ground for sharing, however as the prison service corporate plan 1995-8 made clear in the strategic priorities: “Security is our top and overriding priority” (4.2) Thus the harmonisation of the two services is more likely to involve issues of risk management, security and control, rather than rehabilitation. There is a danger that the training base of probation officers would be down graded to match the much shorter training of prison officers. The report looked at the name of the probation service and this is worth quoting in full:

It is important that the names, language and terminology used by the services should give accurate and accessible messages about the nature and aims of their work. Where there are mismatches, changes could be useful in marking a new start, and could have indirect benefit by influence culture and behaviour. The focus here is on probation work rather than the work of the Prison Service because there is no perceived problem in the terminology used about prisons. On the probation side some of the terms used have been criticised, for example because: they are associated with tolerance of crime (eg “probation” which can be seen as a conditional reprieve and inconsistent with “just desert” or even a rigorous programme aimed at correcting offending behaviour) or they can be misunderstood (eg “community service” which sounds like voluntary activity), or they are too esoteric to be understood outside the two services (eg “through care which sounds more associated with the “caring “ services. (4.14)

This long quotation needs unpicking and is typical of how ‘New Labour’ puts a “spin” on issues and concentrates on the packaging of measures. Who are the people/organisations who see probation as a tolerance of crime? Who is concerned about caring? The review then produced 17 potential names (not incidently the later chosen ‘Community Punishment and Rehabilitation Service’ or even Community Rehabilitation and Punishment Service’) which sounded sufficiently macho with connotations of corrections, control, risk management etc. A letter sent to me at

Christmas 1999 from a former probation colleague referred to the self deprecation whereby probation officers referred to themselves as the ‘Crappies service’, so the name change was having an effect on morale. The confirmation on spin was confirmed with the statement that court orders should also have their name changed and **“We recommend that the public consultation process be used to test attitudes to these options.”** (4.19 bold in original) As Ryan comments, there has been an emergence of “powerful media monopolies” and politicians use focus groups to gather opinion, rather than listen to those who suffer most disadvantage (1999, 11-12)

The Appendices on the rise and demise of the After-Care Unit in Inner London indicate that although this Unit offered a consistent service to the homeless and rootless, this did not occur elsewhere, not least because this was the one area that probation officers had any control over. Practice under National Standards is likely to lead to a levelling down of prisoner contact, linked to pre-discharge risk assessments for parole (discretionary conditional release) and sentence planning. Indeed Maguire, Raynor, Vanstone and Kynch (2000) document how probation contact with ex-prisoners has decreased. The Housing Act 1996, like the previous Homeless Persons Act 1977, defines ‘priority need’ in a way to exclude predominantly the single homeless (Arden and Hunter, 1997). Ironically the Rough Sleepers Unit (1999), in their strategy paper recognise the importance of forming relationships with the vulnerable, including people leaving prison (ibid, 17). This is a non impressive example of ‘joined up thinking’ between Government departments as this client group is seen as a low probation priority compared to ‘heavy end’ offenders.



The Prisons-Probation review was not concerned with the petty persistent offender, Harding accepted the rationale of the review which wanted a “co-terminosity of the boundaries of probation and prison services and the acceptance of cognitive programmes under the effective practice initiatives. He then turned to the ethos’ of the services:

the thrust of ‘Joining Forces’ is unbalanced displaying a *flawed understanding* of probation’s *traditions, values and strengths* as a series of *locally based services at the hub of criminal justice* with its point of reference focusing outwards towards a complex web of connections with local communities, local authorities and the independent sector...The probation service is more at ease in understanding the community context in which crime takes place, of playing a central part in the community safety planning arrangements which are enshrined in the Crime and Disorder Act 1998...We are, as Paul Boateng suggests, ‘a law enforcement agency’ but one whose conceptual roots lie in community justice. (2000a, 28)

For Harding, probation strengths were in local multi-agency approaches, including crime prevention, working on troubled estates, working with vulnerable offenders, in partnership with police (absent from the Prisons-Probation review). He regarded prison “as a place of exile” and clearly his major focus for alliance was not in this sphere. The danger thus from the review was clear, it represented a major realignment of the probation service, whatever it was going to be called, away from a sense of community towards being a punishment, correctional control agency.

The Guardian newspaper in an editorial entitled ‘Postcode sentencing Computers cannot deliver justice’ (21 August 2000) quoted from the Chief Inspector of Probation, Sir Graham Smith: “we have relied too much on nous, instinct and feel. In the past nous has been important, but people have used it in different ways.” The editorial stated that courts, as well as having a pre-sentence report written by a probation officer, would also

have a computer generated risk prediction. According to the Guardian this would be based on:

criminal record, education, training, employability, lifestyle and associates; alcohol and drug use; emotional stability, relationships, attitudes to crime, general social behaviour and **postcode** (my emphasis added)

The Guardian recoiled at this innovation for a number of reasons: that Sir Graham needed to be more honest at the systems limitations, the prediction could only place a person in a risk category, a 70% chance of reoffending meant that 30% would not be reconvicted; the civil rights of the “false positives” needed to be protected; how good was each predictor and why should postcode be included? They were concerned, like the Law Society, that this represented a “serious shift in sentencing - from what an offender has done to what he or she might do.” Their conclusion was that computers could aid but not be a substitute for human discretion. They located this in the delivery of justice. This should include the way that offenders are dealt with by the probation service and not just the Courts. Humanity and a personal knowledge of the offender, with proper controls, allows for a fairer criminal justice system than could be operated by an inflexible computer system.

## **Summary**

The chapter started from the period of the late 1980's when the probation service began to engage with managerialism and ‘value for money’, having been inspected by the Audit Commission and the National Audit Office. The role of the probation inspectorate is considered in relation to the reports it produced and their central theme of compliance



to National Standards. Vass warned, back in 1984, that changes to the probation service should not be seen in isolation but needed to be linked to what was happening to other criminal justice agencies in terms of creating a more coercive model of justice. Political comment, both from Conservative politicians and New Labour, has sought to give probation a hard edge and to move it away from a social work base. In the view of Boateng, the Minister for probation and prisons, probation became a law enforcement agency and he envisaged closer working with the prison and police services.

Aspects of discrimination are considered, focusing on women, black and ethnic minority; and young offenders. Issues of over representation are discussed, at a time when more women, black people and the young are increasingly being incarcerated in absolute terms.

Finally, the chapter considered the changing penal climate under New Labour, which has continued the punitive trajectory of the Conservatives as National Standards have been further tightened to allow only one unacceptable breach of the court order and the new Criminal Justice Bill to make prison the expectation when orders are breached. There is a danger that the emphasis on risk will override all other considerations to the extent that offenders will simply be labelled and pigeonholed, without an opportunity to move on and change. It is interesting to note, that probation researchers e.g. Mike Hough, and senior probation managers are now going into print to warn of the increasing control being exerted over the service and the drive to make probation a 'tough' sanction.

## Chapter Five

**Textual and Visual Analysis of the Cover and First Three Pages of the ‘National Standards for the Supervision of Offenders in the Community’ (1995) and a Comparison with the First Edition Published in 1992. Implications from the Home Affairs Committee, Third Report, on ‘Alternatives to Prison Sentences, July 1998.**

My research is on probation practice, which is going through a period of profound change. National Standards (NS), for probation officers (PO's) and social workers (SW's) in youth justice, was introduced in August 1992, two months before the 1991 Criminal Justice Act was implemented (a major piece of legislation which had profound implications for probation practice). NS 1992 cost £3 to buy, free copies were given to all probation officers. The NS was the first formal codification of standards that probation officers had to follow and represented a break from the past when the 55 probation services were allowed much more discretion by the Home Office. In March 1995 a second edition of NS was published, which had major changes from the first version. The second edition is free. For the purpose of the analysis I will be focusing on the first three pages of NS 1995 and drawing comparisons with NS 1992 pages 1-5 (end of section 1.4). The Home Affairs Committee Report commented “**Strict enforcement of community sentences is vital if they are to represent a credible alternative to prison...**” (HAC 1998 xxvi para 87, bold in original). The report continued that probation services were failing to comply with National Standards ‘in barely a quarter of cases’. There was a threat that probation funds should be contingent on probation officers fulfilling National Standards requirements. This chapter seeks to



investigate what is the message contained within National Standards, both overt and within its context.

NS 1992 acknowledged that PO's utilised their social work skills in their work with offenders. There was a review of probation training in 1994, which had the remit of reviewing the need for the social work qualification as a prerequisite to practice. The NS 1995 was published before the results of the review. The Home Office subsequently decided to end the requirement of a social work qualification for probation officers, despite the fact that 490 out of 504 responses had wanted the status quo to be retained. NS 1995 preempted this change by not referring to social work. What is referred to constitutes the central thrust of this analysis.

Worrall commented that "Discourse analysis is concerned with the power and the production of knowledge" (1997, 26) In a section entitled 'Enter discourse analysis' she added that:

Punishment in the Community is the ejection from the discourse of rehabilitation of any legitimate concern for the welfare of the criminal. Instead, that concern is constructed as Other - the non-legitimated programme. The personal or social welfare of the criminal is explicitly detached from, and made discursively irrelevant to, the process of preventing recidivism. Offending is a matter of choice, not something determined by circumstances, and modern rehabilitation 'addresses offending behaviour' - it is not concerned with the offender's address. (ibid, 27)

## **Background to the Analysis**

The term semiotics is derived from the Greek word *sēmeion* denoting sign (Martin and Ringham, 2000). The 'study of signs' was founded independently by Saussure in Switzerland and Peirce in the United States who referred respectively to semiology and semiotics (Lacey, 1998). Saussure stated that the sign is the product of the signifier and the signified. In essence the signifier is the physical object or form in the real world and the signified is the mental picture or concept the word evokes. Understanding is learnt and denotation is the identification of the sign and the words attached to the perception of the signifier. Signs may or may not be arbitrary, they may describe a sound or be onomatopoeic.

For Saussure the description of the sign is important as he emphasised that they are constructed. He distinguished between 'langue' the rules of the sign system and 'parole' the articulation of signs, so that language is the product of both langue and parole (ibid).

Thus he concluded "The linguistic sign unites, not a thing and a name, but a concept and a sound image...the psychological imprint of the sound" (Burke, Crowley and Girvin, 2000, 24). Language constituted a system and was not completely arbitrary, it could change over time, which could result in a shift in the relationship between signified and signifier. There need not be a 'quality' in the signifier or in the signified, what was important was that the interpretant understood the structure of the language, there was no need for further experience beyond this. The relationship between them could be 'fundamentally arbitrary' or in Peirce's terms 'imputed' (Hawkes, 1977). Meaning therefore did not rest in individual words, but rather "in a complex system of relationships or structures" (Martin and Ringham, 2000, 2)



Finally, Roland Barthes commented that the relationship between signifier and signified was not one of equality but of equivalence, united by a correlation. A bunch of roses could signify passion, thus the bunch of roses was the signifier and the passion the signified. The relationship between them produces the bunch of roses as a sign, as a signifier it is merely a horticultural entity, as a sign it is full (passion, romance etc.) (Hawkes, 1977, 130-131)

The Paris School of Semiotics is concerned with the relationship between signs, the manner in which meaning is produced by them in a text or discourse. Semiotics, according to the Paris School, allows for the representation of a model that can enable the signifying object to be decoded and its meaning to be interpreted. This was possible as any narrative structure could be reduced to three pairs of binary opposition, namely, subject/object; sender/receiver; helper/opponent (Martin and Ringham, 2000). The Paris School posits different levels of analysis at the discursive, narrative, and deep, or abstract levels.

At the discursive level, there is a 'surface' level of meaning. Specific words, grammatical structures are visible within the text and examining the vocabulary allows words to be grouped together ('isotopies') that have a common meaning. These isotopies can be compared, dominant one's discovered and their distribution within the text. Oppositions can be extracted and themes discovered from the text. Grammatical features can be investigated namely, use of active/passive and how the text is organised to reveal strategies of manipulation of the reader. Use of pronouns, the narrative voice,

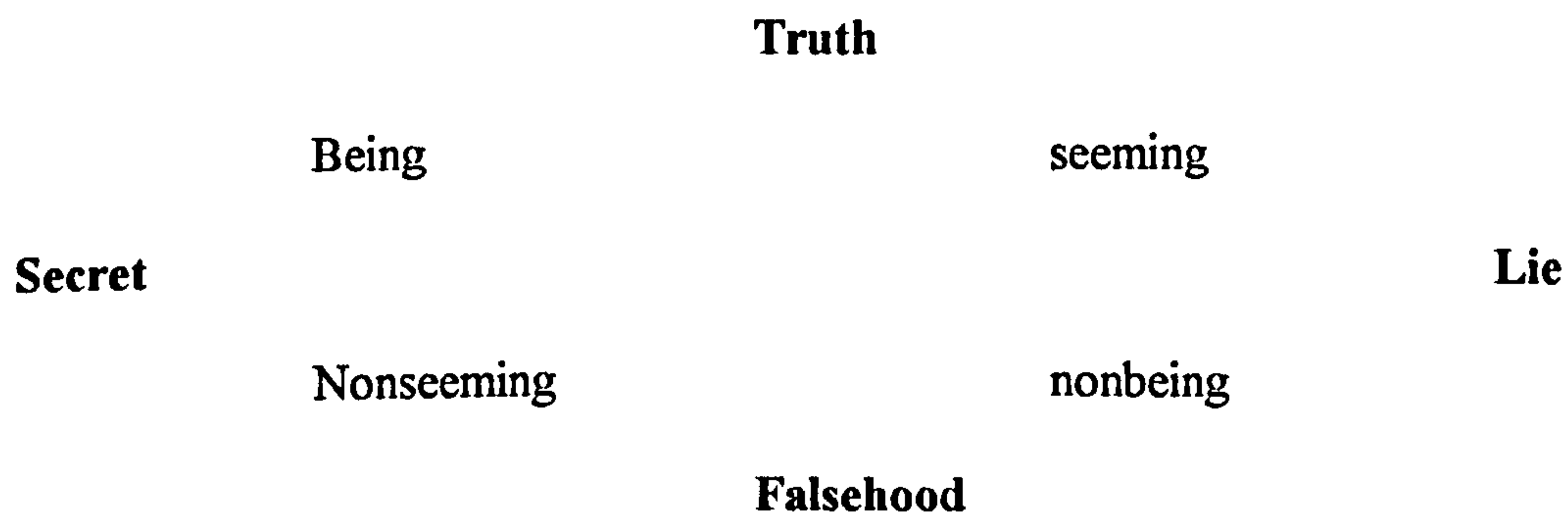
modality (wanting/having/being able to/ knowing how to) trace the relationship between speaker/author and listener/reader.

At the narrative level, more general and abstract than the discursive level, “it is the level of story grammar or surface level syntax.” (ibid, 9) There are two narrative models: the actantial narrative schema and the canonical narrative schema. The former accounts “for all relationships within a story” (ibid,9), the subject/object is the most fundamental relationship whereby the former goes on a quest for the latter. The helper/opponent help or hinder the subject in their quest and in the sender/receiver relationship the sender provokes the action and turns the receiver into the subject, ready to embark on the quest.

In the canonical narrative schema there are three tests, the qualifying test, the decisive test and the glorifying test. In the first the subject acquires the competence to carry out the planned action. The decisive test represents the principal action or event for which the subject has been preparing, typically a confrontation between the subject and anti-subject (opponent to the quest). Finally the glorifying test reveals whether the subject succeeds or fails and is rewarded or punished.

The deep or abstract level is where the fundamental values of the text are articulated and can be presented as a semiotic square. The corners of the square are in opposition or contra-indication of one another, but each term pre-supposes the other. Greimas depicts this with an example of truth versus falsehood.





(Greimas, 1987, 110)

The analysis of the text of NS 1992 and 1995 will draw on the contemporary School of Critical Linguistics, especially the work of Fowler (1988) and Fairclough (1989, 1992), and the relationship between language and power; and the Paris School of Semiotics, and the concept of ‘deep level’ grammatical structures and the work of Greimas (1987).

This analysis works on the premise that prose cannot have meaning without structure and opposition (e.g. good/bad). The concept of opposition is particularly significant within the context of the supervision of offenders, with the oppositions of punishment/rehabilitation, victim/offender etc.. I will be highlighting the differences between the two different versions of NS. The Paris School of Semiotics, according to Martin (1995, Martin and Ringham, 2000), “postulates the existence of three levels of meaning: the discursive level, the narrative level and the deep level” (Martin, 1995, 2).

I will discuss these three levels of meaning within the context of NS and will begin at the discursive level and describe the NS and put it in context.

## **Context**

The NS 1995 has been written at a time when 'law and order' is high on the political agenda. The Home Secretary at the time, Michael Howard, has an aggressive style and has had a very high profile. He has introduced 'boot camps' for young offenders, raised the recommended sentence on young killers from 8 to 15 years (the Bulger case), sacked the Director of the Prison Service. He has made no secret of his desire to end the social work qualification for probation officers. My analysis will investigate how the changes to NS affect the public, offenders and probation officers. I expect to discover that probation officers have been deprofessionalised, offenders depersonalised and the public used as a political convenience. In a recent address to Chief PO's, the Home Secretary commented:

Society looks to you [the probation service] to provide punishment and public protection, but also to provide guidance and help in turning offenders away from crime. (Michael Howard, 1996).

I wish to discover if this rhetoric is present in NS 1995.

### **1. Typographical Layout**

NS is a soft cardboard covered book 6 inches (15 cm) wide and 8 1/4 inches (21 cm) long, with a metal ring binder. NS 1992 included much background detail of the 1991 Criminal Justice Act and comprised 123 pages. There was a further volume published concurrently, which was a reference guide to the 1991 CJA and was of similar structure. In contrast NS 1995 comprised only 64 pages. The front cover has the royal coat of



arms and the emblems of the Home Office, Department of Health and the Welsh Office.

The title and year are enclosed in a coloured box - bright green for 1992 and purple in 1995. The 1992 edition contained the signatures of the three ministers from the relevant departments. Both versions of NS use copious amounts of emboldened sub-headings in larger type. The 1992 NS highlighted key words in emboldened italics. The 1995 edition used bold without italics, but the main print is slightly smaller, hence the words in bold are consequently far more explicitly highlighted. The 1992 NS posed some sub-headings in the form of questions e.g. 'Who are these NS for? What do NS achieve? What do NS require? On the first page under the heading: '1.1 Why National Standards?' there are four bullet points, written as incomplete sentences. The rest of the text examined is written as complete sentences. The 1995 NS, in comparison, is permeated with bullet points. Each highlighted area comprises definite assertive short statements. The text is thus written as a series of bullet points which are gathered into lists.

## **2. Discursive Level**

I intend to uncover what is superficially apparent on the surface of the text and begin to go beyond this stage. I will identify the key **lexical fields** with a view to establishing what has been included in the text and what has been left out. A lexical field is a grouping of key words in the text which have a common denominator. In a sense the text sets out to undertake this task as it uses sub-headings and then groups points beneath them. I make the point that this is not necessarily completed accurately or logically, especially in NS 1995. It can be seen that I have utilised many of the sub-

headings in the text unchanged if they are coherent, and added others which I view as appropriate. In NS 1995 I have relabelled some of the lexical fields postulated by the text more appropriately in square brackets. There is a common lexical field in both editions of NS which I have entitled ‘interest groups’.

The NS acts as a set of rules for probation officers (PO’s) to follow and for chief probation officers (CPO’s) to monitor. It is intended to be used by probation management and staff and to be seen by other professionals in the criminal justice system. There is also the element designed for public consumption, namely that the standards are a public declaration of the Government’s attitudes towards offenders and victims. However it is unlikely that the public will see NS. The official Coat of Arms on the cover gives the NS an official, indeed royal, seal of approval and adds to the solemnity of the document.

**Lexical Fields NS 1992**

<p><b>I) Why NS?</b>  <b>(Para 1.1)</b>  Response to crime  Challenging and skilful  Demanding and constructive</p> <p>Strengthen supervision</p> <p>Clear framework  Help offenders stay out of trouble</p>	<p><b>II) Status of NS?</b>  <b>(Para 1.2)</b>  Issued by HO, DOH, WO  Services to follow standards  Inspectorates to regard attainment  Norms rather than requirements</p>
<p><b>III) Who are NS for?</b>  [interest groups]  <b>(Para 1.3)</b>  PO’s and SW’s  Probation/social services committees (employers)  Voluntary sector  Sentencers</p>	<p><b>IV) What do NS achieve?</b>  <b>(Para 1.4)</b></p> <p>Quality assurance  Accountability  Consistency  Equal opportunities</p>



Other criminal justice agencies/professions	Good practice and management
Offenders/defendants other service users	Management of risk
General public	Support to staff
Central government	

<b>V) Professionalism</b>	<b>VI) Assurance (Para 1.4)</b>
Challenging and skilful (para 1.1)	Quality assurance
Professional social work (para 1.1)	Use of resources
Build on <i>skill</i> of practitioners (para 1.1,3)	Efficient, effective, accountable
Professional judgement (para 1.1,3)	Monitoring standards
Imagination, initiative and innovation (para 1.1,3)	Independent review
Develop good practice (para 1.1,3)	
Fair, consistent and without discrimination (para 1.1,3)	
Anti-discriminatory practice (1.4,equal opps.)	

**VII) Offenders**

- Restrict liberty (para 1.1)
- Mental and physical demands (para 1.1)
- Responsible members of community (para 1.1)
- Risk to Public (para 1.4)
- Entitled to be treated fairly, courteously without discrimination (para 1.3)
- Informed of their rights (para 1.3)

It is interesting to note that ‘the public’ does not form a lexical field. They are recognised as having “an important interest in the efficient use of resources, in protection from crime and in the effectiveness and results of supervision” (NS 1992, 3).

A number of oppositions can be postulated:

Offender	Vs	Public
Good practice (p2 5. Lines 1-2)	Vs	Unnecessary prescription
Expectations and requirements	Vs	Expected norms
(this latter opposition refers to the status of NS)		

Knowledge of the probation terrain reveals further oppositions:

Firm requirements	Vs	Risk of breach
Conformity	Vs	Breach
Discrimination	Vs	Anti-discrimination

Turning to the NS 1995, I have again utilised the sub-headings from the text, but I have relabelled them more coherently in square brackets, and I have attempted to reconstruct the heading ‘professionalism’, which was present in NS 1992.

**Lexical Fields NS 1995**

<b>I) Relevance (of NS) to:</b> [interest groups] <b>(P1-2,4)</b> General public Victims of crime Private/voluntary sector Probation/social services committees (employers) Sentencers and criminal justice professionals PO’s/SW’s	<b>II) Aims (of NS):</b> [sentencing outcomes] <b>(P2,5)</b> Effective punishment Disciplined programme Offenders to benefit others Protect the public Consider effect on victims
<b>III) Role (PO and CPO):</b>  [probation worker and service tasks]  <b>(P2-3,6,7)</b> Supervise in accordance with NS Meet the standards  Support staff  Make use of partnerships in voluntary sector Collaboration/liaison between services  Effective complaints mechanism	<b>IV) Practice (guidelines):</b>  [control mechanisms on PO’s] <b>(P3,8)</b> Clear statement of Aims Management risk/public protection Provide for demands of courts Specific targets/timescales monitoring/prioritising workloads Information identification Sharing information Keep courts informed Enforcement/breach
<b>V) Conformity (to NS)</b> [limits on discretion]  Exceptional circumstances <b>(p1,3)</b>  Professional judgement within accountability <b>(p2,5)</b> Consider effect on victims <b>(p2,5)</b>	<b>VI) Professionalism</b> [PO injunctions]  Judgement within accountability <b>(p2,5)</b> Framework for good practice <b>(p1,4)</b> Good practice <b>(p2,5)</b>



Punishment (p2,5)	Reintegrate offenders (partnership) (p3,7)
Accordance with <i>each</i> NS (p2,6)	Offenders become responsible (p2,5)
	Basis for demonstrating accountability and achievement (p1,4)
<b>VII) Partnership (P3,7)</b>	<b>VIII) Punishment</b>
Use facilities/opportunities	Breach proceedings (p3,8:p1,4:p2,4)
Collaborate with other agencies	Punishment (p2,5 (Twice in para.)
Share information (p3,8)	Disciplined programme (p2,4)
Private and voluntary sector partners	Action which will be taken if they [offenders]fail to comply (p2,4)

If the lexical field of probation professionalism is accepted then from the above lexical fields a number of oppositions can be observed:

Professional judgement	Vs	Conformity
Professional	Vs	Role
Professional (as a practitioner)	Vs	Partnership

I would argue that it is not possible however to construct a lexical field around the term ‘professional’, hence the above oppositions are particularly interesting. The reader is being led to the ‘common sense’ viewpoint that punishment is important to give the public confidence. To this end, only in **exceptional circumstances** can NS be departed from, to be authorised by the appropriate line manager.

What has disappeared from the list of lexical fields, from the 1992 NS, is the one for ‘offenders’. I would argue that the attempt to recreate the field ‘professionalism’ fails as NS 1995 does not engage with the skills needed to undertake the task. All links with

a knowledge/skills base to complete the task have disappeared. A new lexical field ‘punishment’ sets out the terrain for offenders in an explicit manner. Thus the offender and the practitioner does not have a voice in NS 1995. In addition, perhaps in consequence, the sub-heading **practice guidelines**, does not form a lexical field. They are not guidelines, rather a series of tasks for the probation service. Given that NS 1995 explicitly states that the aim of NS is: “to strengthen the supervision of offenders in the community, providing punishment and a disciplined programme for offenders...” (NS 1995, 2) and deviation from the rules is exceptional, there is no need for the first practice guideline which should “include a clear statement of aims which set out the key objectives for work with offenders” (NS 1995, 3). Clearly this is punishment!

Further oppositions can thus be postulated. The opposition attributed to the public confidence (2 5. point 7)

Effective punishment	Vs	Rehabilitation
Work by probation service	Vs	Use of voluntary sector

One interesting repositioning of names concerns the ‘interest groups’. In NS 1992, under the heading ‘Who are these NS for?’ the list starts with ‘probation staff and local authority social workers’ and penultimately with ‘general public’ and finally with ‘Central Government’ who was concerned with ‘efficient, effective and accountable supervision’. In NS 1995 the list is reversed, it begins with “the general public, including victims of crime” who should be “offer[ed] good value for money” (NS 1995, 1) and **ends** with the practitioners (my emphasis). Thus the punishment ethic is being carried out on behalf of the public **including** victims of crime. The Home Office is freed



from obligation to justify the shift to punishment, it is justified by ‘public confidence’.

In consequence any disagreement has the implied opposition:

The public

Vs      The practitioner.

The public is being influenced to believe that only by following National Standards will they be safeguarded. PO’s and SW’s must not deviate from the NS, without higher authority. The lack of mention of professional skills reduces the practitioners to the level of operatives or technicians. There is no mention that other approaches might be at least as positive. Offenders are reduced to an amorphous mass. Compare this to the NS 1992 which stated: “No two offenders are identical It is essential that supervision takes adequate account of the individual needs and circumstances of each person” (NS 1992, 3). NS 1992 also referred to: “Supervision is *challenging and skilful* requiring *professional social work in the field of criminal justice.*” (NS 1992, 1) Emphasis in the original.

The original NS 1992 were written in a fairly chatty style, yet the official nature/formality was present in the shape of the Royal Coat of Arms, the signature of the Ministers, HO/DOH/WO logos, and the use of bold type. The NS 1995 is not chatty, being more authoritarian. It is permeated by the auxiliary verb ‘should’ “to indicate that an action is considered by the speaker to be obligatory” (Collins English Dictionary (1991)

## **Textual Cohesion**

I have already considered the lexical fields within the text from 1992 and 1995 and considered oppositions. I now wish to consider the dominant lexical fields. In 1992 the dominant fields are 'Why NS?' which argues for the need for NS and 'professionalism'.

There is a link between the two lexical fields as the 'why' field includes much discussion on the need for a professional workforce and this theme, including reference to 'anti-discriminatory practice' reoccurs throughout the text. The dominant field is that the PO is a professional.

In 1995 the dominant fields are 'punishment' and 'Conformity to NS'. In 1995 the field of professionalism has disappeared and the twin mandate of the lexical fields 'punishment' and 'conformity' change the PO role to that of being a technician. 'The public' does not form a lexical field, but in its name punishment is invoked, to be applied to the offender. This paradigm shift between 1992 and 1995 is neither explained nor justified.

### **3. Surface Grammatical Structure**

I now intend to examine the relationship between the reader of the text and the narrator.

This will involve an examination of the communication or image created by the narrator.

It follows from the premise that language is not neutral, rather images are created by subtle manipulation whether this is done consciously or not.



## **A) Use of Active/Passive**

The text creates an 'image' between the writer and the reader. NS 1992, as mentioned earlier adopts a 'chatty' style. This is achieved by the posing of questions which implies a dialogue between reader and writer. The use of words like 'can' referring to restricting liberty acknowledges that NS will create demands on offenders, but it acknowledges the skills base of practitioners. In this sense the audience would appear to be the practitioners, rather than the general public. There was a charge on the book of £3, but all practitioners were given a copy. They were also trained to understand the demands that NS would make on their practice e.g. time scales on seeing offenders, frequency that appointments had to be made etc.

The NS 1992 actively engaged with the practitioner and dealt with the public and offenders indirectly, passively. In direct contrast NS 1995 is certainly not a dialogue. As mentioned the use of 'should' is totally directive. The practitioner becomes an operative. They must work with the voluntary sector, making sure this is to the benefit of others in the community. All must work to the Standards which becomes the goal.

## **B) Enunciation or Narrative Voice**

### **Use of Pronouns**

In NS 1992 there is little of a personal nature in the communication from the writer to the practitioner. Personal pronouns are not used at all. When discussing the voluntary sector it is seen as a partnership role, “with whom” PO’s and SW’s work. In NS 1995 the probation service “**should** make effective use of facilities and opportunities in the community” (NS 1995, 3). (My emphasis added). Probation services are thus commanded to work with the voluntary sector. NS 1995 is a list of “should” commands and thus forms a quasi-legal document, although they have no backing in law. It seeks to be read as a legal document. It cannot be disputed by PO’s other than by approaching service management, but this is to be the exception, not the rule. “The standards establish a clear and consistent framework, within which work can be viewed and decisions justified.” (NS 1995, 3) This is the voice of authority par excellence.

### **Types of Speech**

The public is not given a voice, but sanctions are invoked in its name in NS 1995. This is particularly true for victims. The public, it asserts, can (only) have confidence if “supervision in the community is an **effective punishment** and a means to help offenders



become responsible members of the community.” (NS 1995, 2 emphasis in the original).

The second half of the quotation is tautological, leaving the issue of punishment as a given fact. The text is devoid of quotations. NS 1995 utilises the extensive use of bullet points, which affects the perception of the text. There is no temporal sense to the text but other devices are used e.g. extensive anaphora - the words ‘by’, ‘should’, and ‘include’ are used repeatedly in the bullet points in NS 1995. This device is used once in NS 1992, when discussing the ‘objective of NS’ (p1). Repetition is a useful device to highlight an issue or concern. In this case it reinforces the authoritarian nature of NS 1995.

### **Modality**

This refers to the commitment of the narrator to the text. In NS 1992, the narrator acknowledges the skills of the practitioners. There is therefore no attempt to force the Standards on the practitioner as a doctrine. “It should be emphasised that the standards seek to encourage good practice but avoid unnecessary prescription.” (NS 1992, 2). In contrast the NS 1995 demonstrate *absolute* modality. There is no uncertainty. No deviation as a principle. It is an authoritarian piece of prose, ‘**professional judgement**’ can be used but within the context of ‘**accountability**’ (NS 1995, 2). It is a brave practitioner who would put themselves out on a limb on behalf of the offender. This has implications for oppositions - is the supervisor on the side of the offender or the public? The practitioner is thus dominated by the narrator. The authoritarian nature of the text becomes clearer on repeated reading. The aims of NS will be carried out. The

guidelines will achieve their purpose. In reality there are strategies for subverting these categorical modalities but these will not be considered in this exercise.

Fairclough commented that: "Modality is to do with speaker or writer authority." (Fairclough, 1989, 126). He distinguished between "the authority of one participant in relation to others" (Fairclough, 1989, 126). As can be seen from the above, relational modality is strictly hierarchical in NS 1995, which is a major change from NS 1992, when authority was shared. The second area he called expressive modality which he described as: "the modality of the speaker/writer's evaluation of truth." (Fairclough, 1989, 126-127). In the example of NS 1995 there is the categorical assertion that "the public" wishes to see offenders punished. The reality is more complex than this and this view is not supported by research findings. The 'public' has been hijacked by the politicians.

### **Use of Active/Passive**

In NS 1992 the role of the PO is an active one eg "supervision is challenging and skilful". By NS 1995 this has changed to passive, when "in exceptional circumstances" the PO wishes to depart from NS "this should be authorised by the appropriate line manager". This passivity reflects the loss of power and autonomy. In general NS injunctions are active and the officials involved have a passive response which outlines how they will meet the NS. It is a device to disempower and depersonalise not just the practitioners but also Chief Officers and Probation and Social Services Committees, in essence the employers of PO's and SW's.



In 1992 the **‘general public, including victims of crime’**, are attributed with the active “interest in the efficient use of resources, in protection from crime and in the effectiveness and results of supervision.” (NS 1992, 3 emphasis in bold in the original). In 1995 **‘general public, including the victims of crime’** are given a passive role: “who should be protected from further offending by effective supervision which offers good value for money and given accurate information about what the supervision entails.” (NS 1995, 1 note the emphasis in bold now includes the victims - an important political consideration is to be seen as being concerned with this group). It is interesting to note the fiction here. The public, including victims of crime, do not receive information about what supervision comprises, although some victims might be consulted before offenders are released on parole. In any case information about supervision does not equate with power.

### **Cohesive Markers**

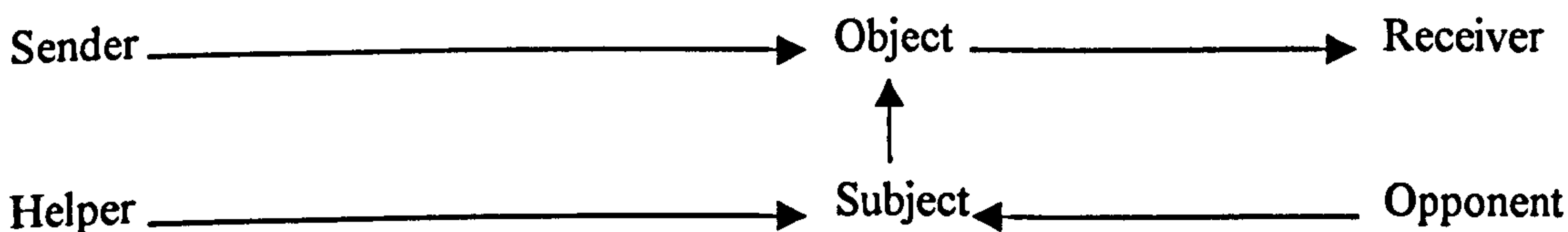
Utilising this concept of Halliday’s, I wish to consider how the sentences, clauses and paragraphs are linked together. In NS 1992 there is a causal rationality too the text which poses a number of questions about the *raison d’être* of NS. It utilises questioning statements: what, who, why to ask basic questions (dialogue with the reader). The professionals in the system are foregrounded to give an impression of authority. It draws on managerial terms: ‘efficient, effective and accountable; quality assurance, consistency, good management’ to give a scientific or specialised foregrounding to the achievement of NS.

In NS 1995 causality is expressed categorically. The device of anaphora is employed to constantly refer back to the NS. The extensive use of ellipsis ie bullet points leads to the conjunctions ‘by’, ‘should’ and ‘include’ reinforcing the dominance of NS. The managerialism of NS 1992 is replaced by management/accountancy terms: ‘provide for level of demand, information to identify trends, quantify costs, order priorities, monitor outcomes, control expenditure’. This again reinforces the passivity of probation management. The ‘ends’ are given, the task is to utilise the ‘means’ as efficiently as possible to meet the laid down objectives.

**4. The Narrative Level**

I now wish to progress from the discursive level and turn to the more general/abstract narrative level. According to the Paris School of Semiotics this underpins all discourse (Martin, 9).

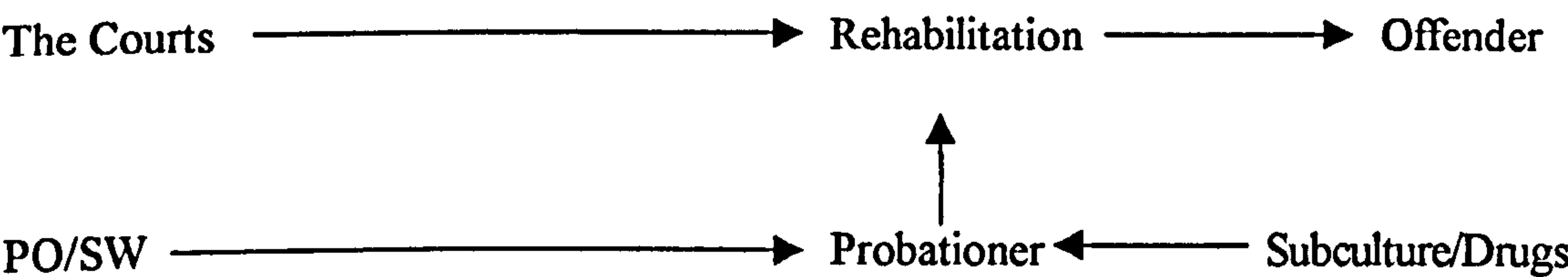
The text can be viewed as a quest to achieve a goal or object. This supposes that there is a subject who will attempt to perform an action to achieve the object. Martin portrays the actantial schema as follows:



In NS 1992 the subject is the offender and the object is to stop the offender from reoffending. The helper is the PO/SW and the opponent could be perceived eg as the criminal sub-culture and/or addiction(s) or other elements which prevent the object from

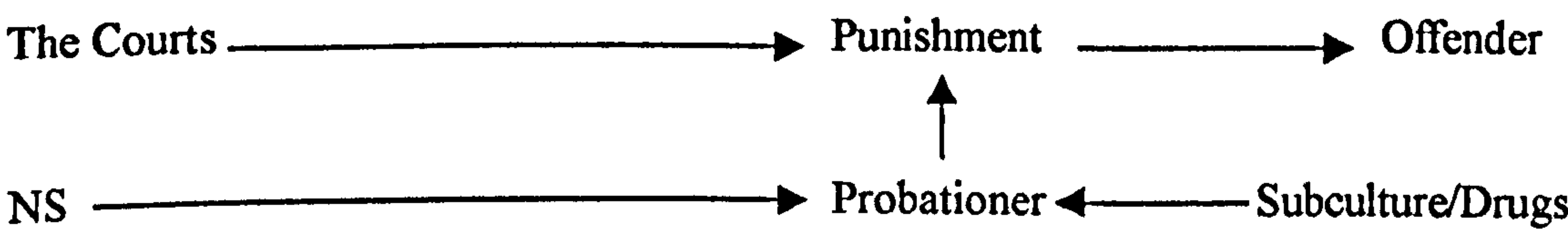


being achieved. The sender on the quest is the Courts who issue the ‘contract’ injunction to change, by placing the offender on some form of court order. The offender becomes a receiver when they receive a court sentence that places them in formal contact with the helper. Pictorially this would look as follows:



There could be ‘anti-subjects’ who actively try to prevent the probationer from achieving their quest. The ‘qualifying test’ is whether the offender stays out of trouble during the period of the court order (‘stage of performance’), which involves dissonance between the subject and the anti-subject(s). Finally there is the ‘glorifying test’ where the outcome of the quest is decided - it can be the successful completion of the court order or failure either through reoffending or breach for failing to comply with the conditions of the court order.

In NS 1995 the actantial schema has changed dramatically:

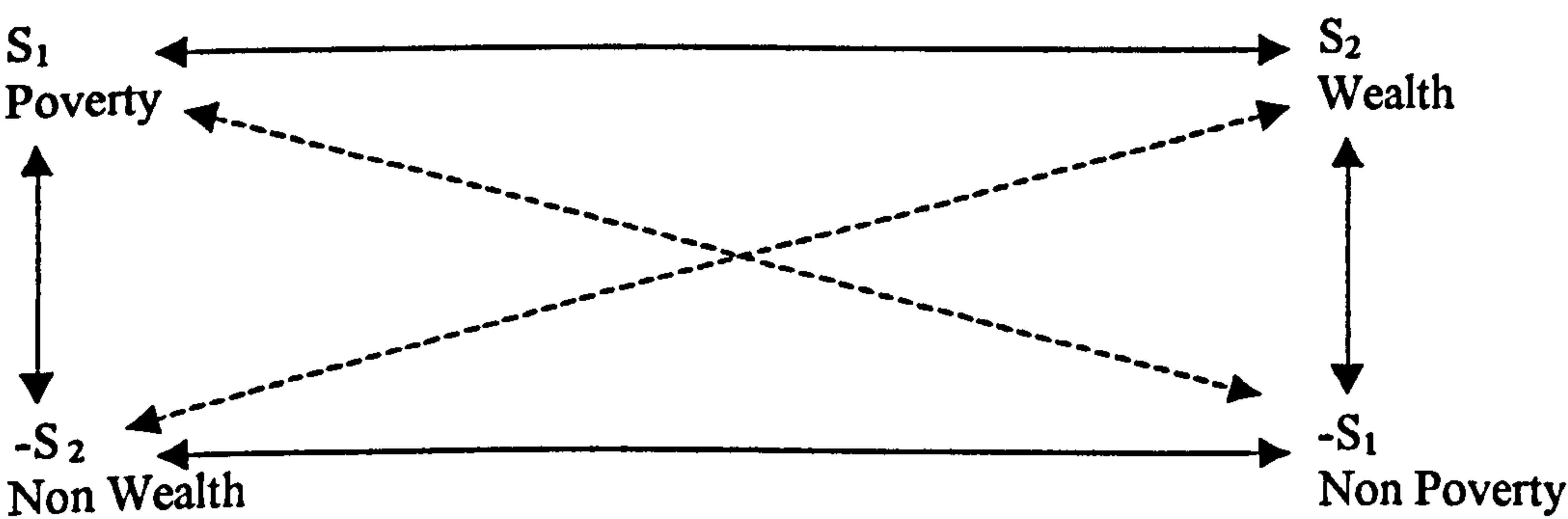


NS gives the task of ensuring that the probationer is punished. The opponent to this remains potentially the subculture/drugs as before, but may now include the PO/SW. The goal of the PO/SW from their training has been to rehabilitate the offender but not to punish per se. The PO/SW could be perceived as an anti-subject. This implies

strategies to subvert punishment would be carried out whilst other quests are performed. Punishment (undefined) could be interpreted as the time taken to visit the PO/SW in their office. Why should punishment and rehabilitation be synonymous?

5. The Semiotic Square

The semiotic square is the elementary structure of meaning. It is the visible representation of the oppositions embedded in the text and represents the deep (third) level of the text postulated by the Paris School of Semiotics. Pictorially it is shown below:



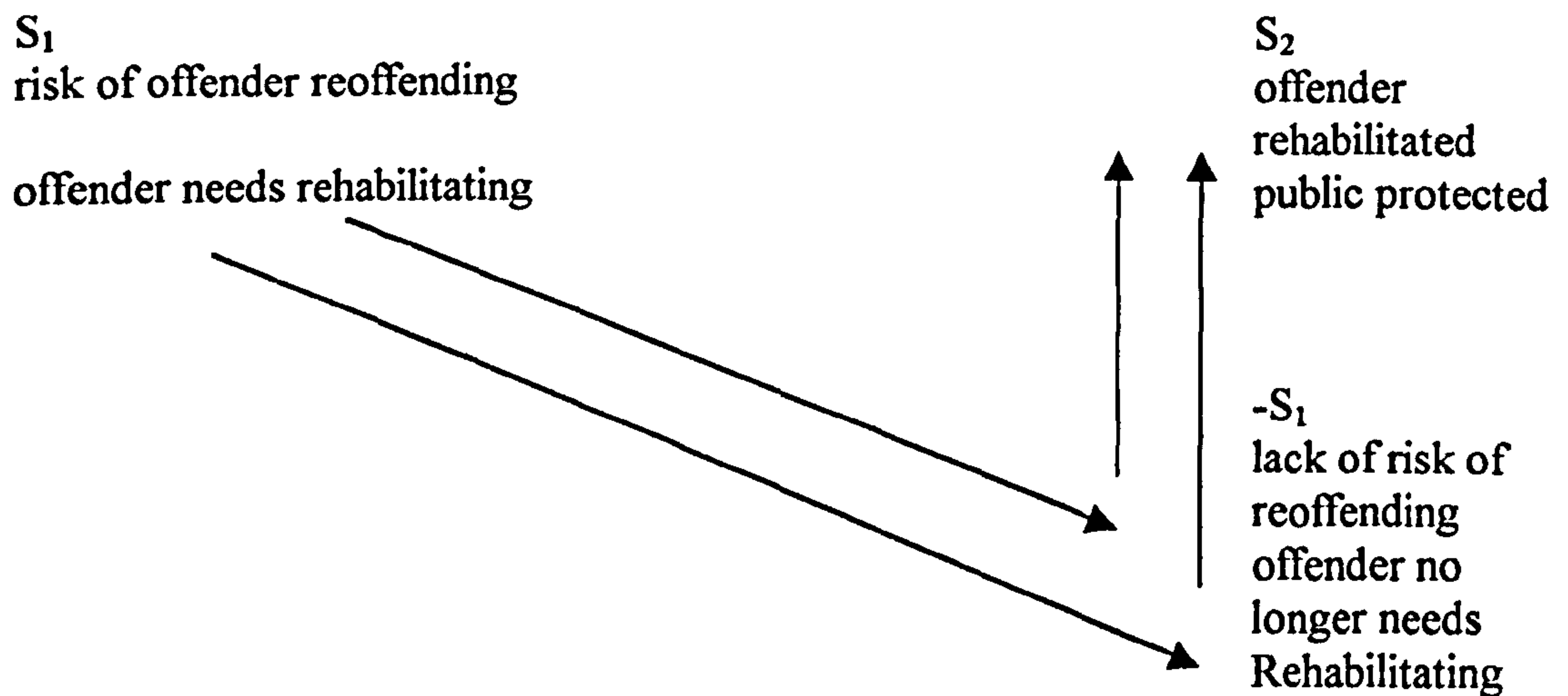
It can be seen that  $S_1$  and  $S_2$  are in a state of opposition. The existence of poverty assumes the reality of wealth.

$-S_1$  negates  $S_1$ ,  $-S_2$  negates  $S_2$

$-S_1$  implies  $S_2$ ,  $-S_2$  implies  $S_1$ .

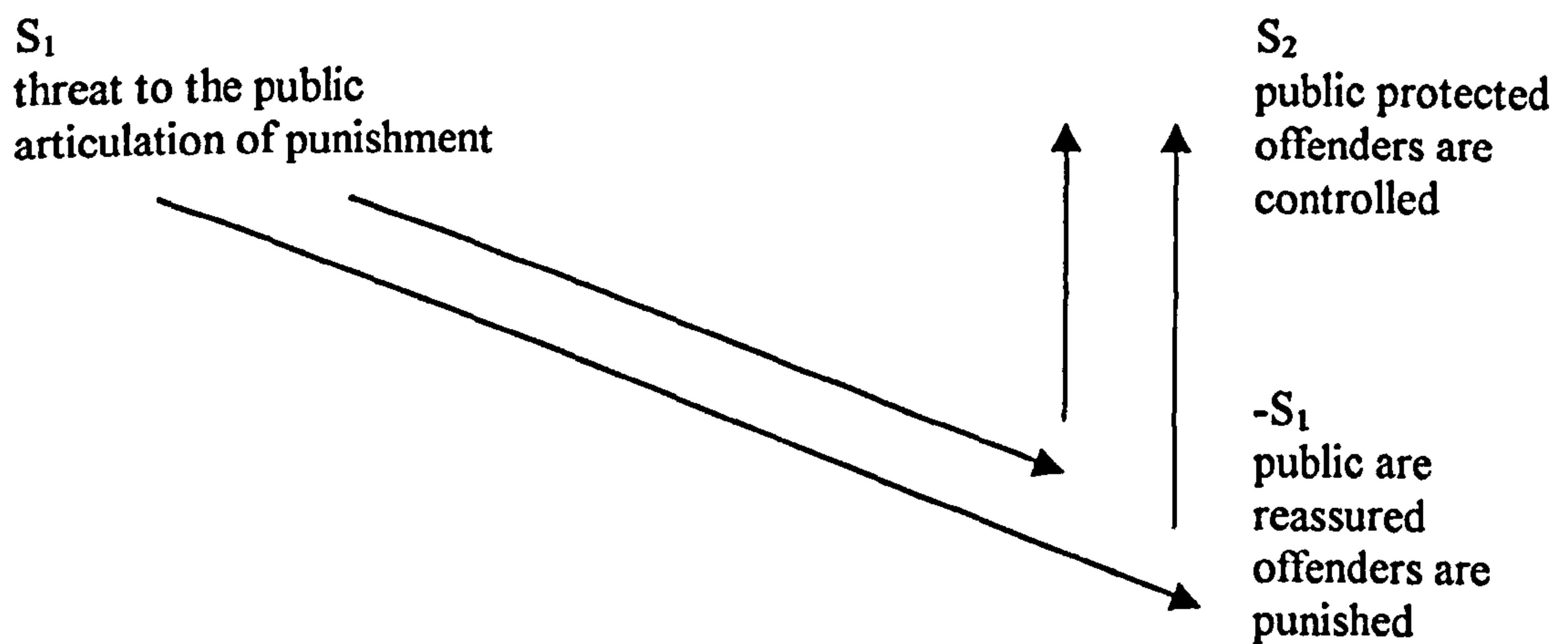
Applying the above logic to NS 1992 my value judgement is that the principle opposition is between the public and the offender. This implies the risk to the public of reoffending and the desire to see the offender rehabilitated. This can be shown as:





This equates with traditional notions of rehabilitation.

Moving to NS 1995 the semiotic square changes and the process of manipulation is revealed:



This equates with the need for NS to control PO's/SW's to deliver punishment.

## Commentary

Fairclough commented:

Discourse technologies establish a close connection between knowledge and discourse, and power. They are designed and refined on the basis of the anticipated effects of even the finest details of linguistic choices in vocabulary, grammar, intonation, organisation of dialogue, and so forth...They bring about discursive change through conscious design. (1992, 216)

I believe that there is evidence of a paradigm shift in the National Standards from 1992 to 1995. This shift is from reformation to punishment. There is also evidence that there is a shift of power from the implementers of National Standards to the Home Office. A further target of the NS rhetoric is the public.

The debate about NS needs to be well informed. NS 1995 is one dimensional and does not offer constructive advice to PO's/SW's. It fails to acknowledge that work with offenders is challenging and requires more than punishment. This was present in NS 1992. The move to NS 1995, according to the rhetoric, has turned PO's/SW's at best into technicians and at worst into subversive operators as far as NS is concerned. If punishment really is meant to imply restriction of liberty, then the language should be adjusted to take account of this, otherwise the public as well as workers in the criminal justice system will be working on different paradigms. The message from the HAC 1998 is depressing, PO's to lose any discretion in interpreting NS, the Courts to be given even more sentencing options:

**We recommend that the Home Office introduce an increased range of options for sentencers to use where offenders breach community sentences to use where offenders breach community sentences and which, once imposed would allow the resumption of the community sentence. (HAC, 1998, xxviii, para 97, bold in original)**

Historically, alternatives to prison get used in place of other alternatives, not instead of prison. Offenders on community sentences have not committed an offence, 'so serious'



that only a prison sentence can be justified. The only weapon left in the non custodial armoury, after probation and community service is home curfew. The implication is probation supervision and electronic tagging, ratcheting up the level of penal sanction and potential of failure, whatever the personal circumstances of the offender, who may well be striving to keep to the terms of supervision, with the approval of the PO. The irony is that the report rejected the possibility of increasing the prison population, placing its faith in probation, NS and the mantra of ‘what works’.

The third version of National Standards was produced to start on 1 April 2000. It is a (regal) purple coloured A4 lose leaf binder with the words ‘Home Office’, with its emblem in the top left hand corner. In the centre of the cover is written: ‘National Standards for the supervision of offenders in the community’, with ‘2000’ in large numbers in the background. Opening the cover reveals a quotation set out as follows:

**“WE ARE A LAW ENFORCEMENT AGENCY.**

**It’s what we are. It’s what we do.”**

**Paul Boateng, Minister for Prisons and Probation**

These Standards are not addressed to the public or victims, but are the means by which the Probation Inspectorate will evaluate services’ performance. They are to be adhered to except in exceptional circumstances, when full reasons, endorsed by the PO’s line manager, must be entered into the offenders file, by the manager, not the PO. On 30 March 2000, one day before implementation, ‘Probation Circular 24/00 GUIDANCE ON ENFORCEMENT OF ORDERS UNDER NATIONAL STANDARDS 2000’ was published. This did not give the services’ time to prepare for the changes. The Circular to the Standards contained a number of mixed messages. There was a new ‘Yellow/Red

Letter Warning System', presumably the analogy with football referee cards was understandable to the Home Secretary and other (male) officials and viewed as understandable to all offenders. Warning letters to offenders had to be in yellow/red, or have yellow/red stickers on. The problem was that as the new Standards only allowed one missed appointment for community sentences (two for prison licences), the red sticker had to be used immediately (equivalent to the premeditated serious foul?). The Circular helpfully pointed out that:

Services have the discretion as to whether this means letters printed in red ink, on red paper or with a red sticker or other red marking device. (2000,5)

Examples of the warning letters were attached to the Circular and they were unambiguous in their threat to breach the offender. The Circular referred to 'professional discretion and judgement taking in all circumstances of the case.' However examples of 'acceptable absences' were given as medical appointments and *proven* absences due to *unscheduled* work or job interviews. (my emphasis). Given that the Standards warn that "Staff are accountable for the use of their judgement and in departing from the Standards (for example by reducing the frequency of contact or not taking breach action as required)" (ibid, 2) it would be a brave PO who risked their job by condoning weak excuses for non compliance. NS 2000 appears to be even more punitive than the previous two versions.

Thus far in this chapter, discourse analysis has been used at a macro level, drawing on policy documents. On a micro level (Creswell, 1994) linking this to discrimination, in an important chapter in his book 'Racism and anti-racism in probation', Denney

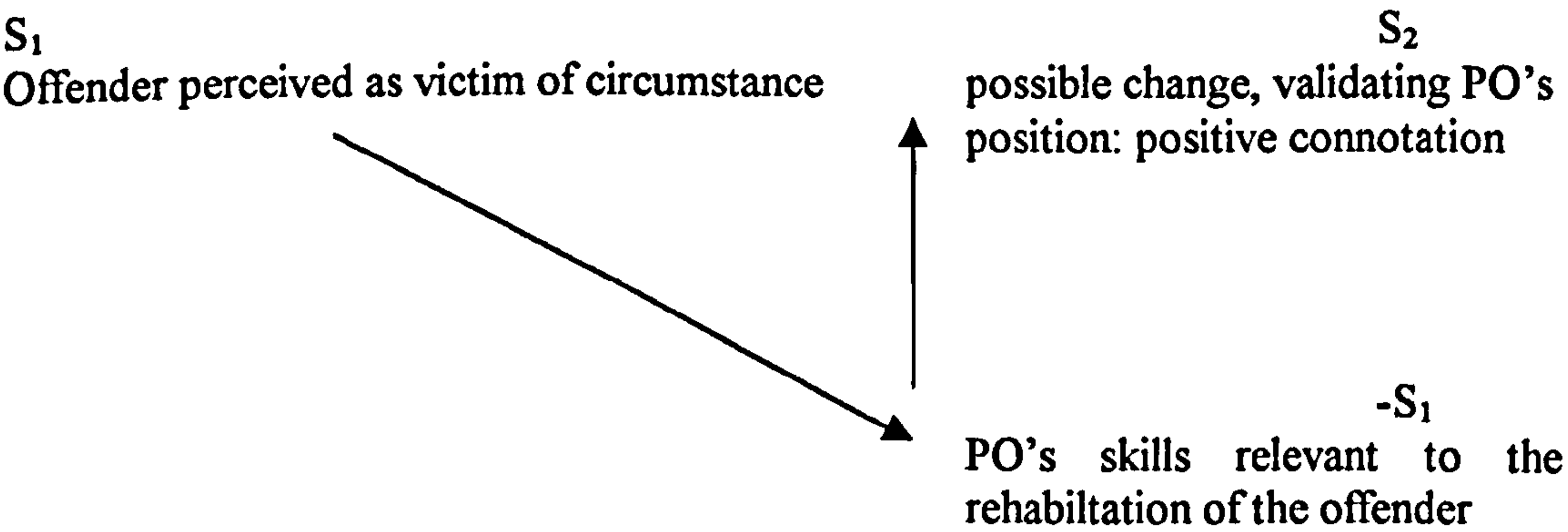


commented on the ‘power’ of the language used by probation officers in their work with offenders. Drawing on the work of Pinder, he commented:

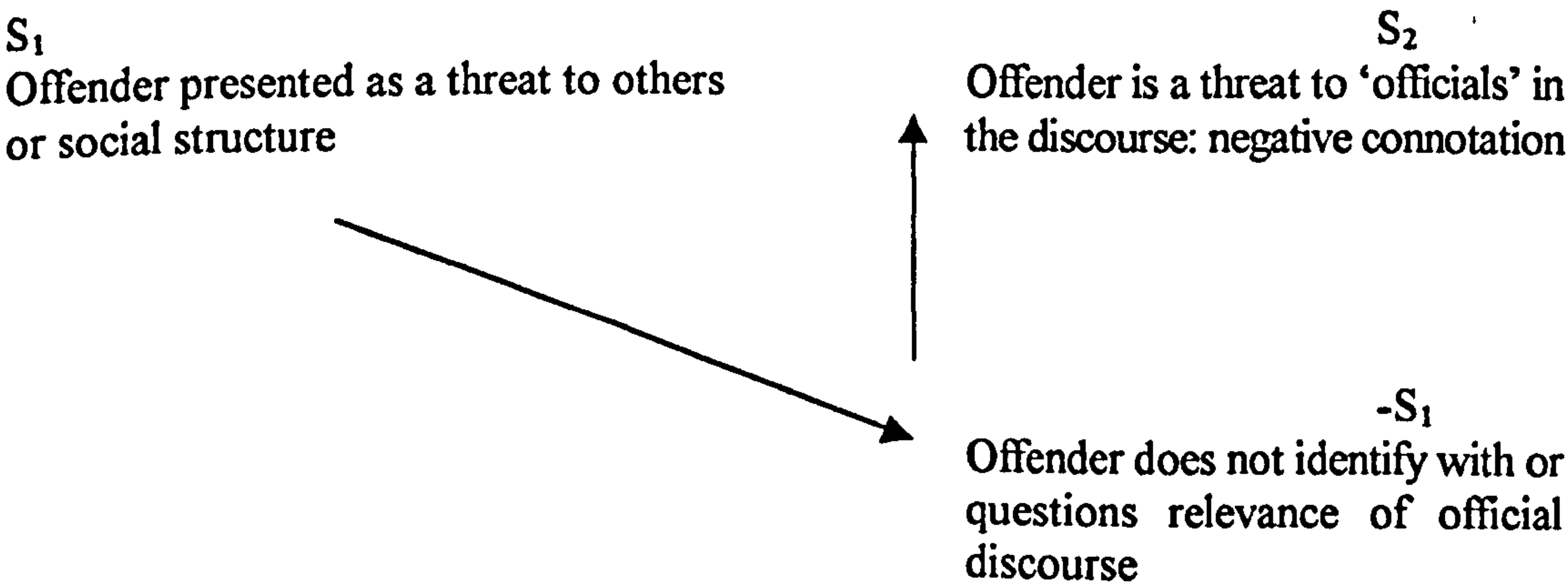
It has already been suggested that white probation officers tend to conceptualise black offenders within a correctional rather than an appreciative code...It would appear that in the discourse of the court an appreciative code can only be adopted when certain conventional requirements have been met: or put more precisely, both probation officer and sentencer can make it appear that they have been met. (1992, 132)

He postulated two possible probation/offender outcomes, which I have turned into semiotic squares:

**‘Offender worthy of clientisation’**



**‘Offender perceived as a threat’**



(1992, 134 figure 4.3 reworked)

What the above serves to show is that the language used by PO's can either process the offender into a positive frame or a negative one, with serious implications for the sentence in court. This is considered further in the literature review, eg the work of Whitehouse (1982), which showed that PO's 'wrote off' rastafarian offenders, drawing on stereotypes, but also how pre-sentence reports (then called social enquiry reports) reinforced stereotypes on black people and women offenders, in the 1970's before 'gatekeeping' of reports was introduced. It is of concern that services are dropping gatekeeping exercises, in the interests of economy, practice in the next millenium, could return to its (occasional) stereotypical roots. Just because at one stage the service was aware of the dangers of discriminating, it does not follow that discrimination could not occur with a less aware, more rigidly operating workforce.

## **Summary**

This chapter has shown that the language of National Standards changed between 1992 and 1995 as the probation service task formally moved from being a skilful social work activity to one of administering punishment. This does not mean that probation officers changed overnight, but this was the 'steer' being put on the service for the long term. To continue the analogy, large vessels change course slowly, but once changed, continue in the new course. National Standards can be seen to represent the vehicle whereby the traditional professional discretion of PO's was reined in as managers became responsible for the adherence to the regular reporting. Permission to allow variations had to be



agreed with management and then to be formally recorded. National Standards 2000 continues this trend by limiting unacceptable absences to one only and warning staff that they are responsible if they decide to accept 'weak' excuses.

The power of language should not be underestimated and the interviews with informants demonstrate that adherence to the Standards, underpinned by the regular inspections of offender files, ensured that this message was translated into practice.

Finally, on a micro level, the technique of discourse analysis is used to give an understanding of how PO's can discriminate between offenders. It makes sense of Pinder's findings that at one stage PO's wrote reports that examined the psychopathology and personal difficulties of white offenders and the attitudes towards authority of black offenders. The importance of 'gatekeeping' to prevent discrimination appearing in court reports was recognised in the past, it needs to be reintroduced, although it is perceived unnecessary in a system geared towards actuarial justice.

## **Chapter Six**

### **Interviews with Informants on the Changes to the Probation Service**

#### **Introduction**

In this chapter the views of a group of probation and allied staff are described and analysed. Firstly, probation staff interviewed are from different strata: four senior managers, three middle managers, eighteen main grade and two unqualified probation service officers. The author was interested in examining and gaining an understanding of common ground, differences and thoughts about who was responsible for the changes taking place; and the future direction of the service. Secondly, personnel from the Central Probation Council (employers), the Inspectorate of Probation and NAPO (the probation officers' union) were interviewed. The author was interested in whether differences in experience, gender, race, and/or level of seniority affected views on the probation service and whether it was changing after two versions of National Standards had been implemented as well as other Home Office initiatives, including an increase in the frequency of inspection of officers' work.

The main grade officers comprised twelve women and six men. Eight women were white and four black. Their experience ranged from three months to over twenty years. Most had been in the job between 18 months to four years. The men ranged from eighteen months to over twenty years, most had been in the service from before the implementation of National Standards. Five men were white and one black. The two



unqualified workers were white males, one was very experienced and the other had been in post six months.

The three senior probation officers comprised two men and one woman were engaged in a middle management role, sandwiched between the frontline workers and headquarters management. They were responsible for the day today management of work undertaken in probation offices.

The four (white) senior managers, three men and one woman, held responsibilities service wide for certain tasks e.g. policy development and quality control. They also were responsible for supervising the rung below, the middle managers. They had regular contact with the Home Office as well as responsibility for the work of the service.

## **The Informants: Ethnicity, Gender, Experience and Their General Views on Probation**

### **Main Grade Probation Staff**

PO1 was a white male with twenty years experience of practice in different settings. He had returned to a field office after being in a specialist post at the time when NS had just come in. He commented that he had never been against “good standards of work [but] it sometimes felt as if there was a management need to dress things up to make it into something it isn’t. Trying to measure things that are either extremely difficult to measure or don’t matter anyway.” He was cynical about whether it was “more important to see

offenders every week for ten minutes or to see them fortnightly and spend half an hour discussing issues with them.”

PO2 was a white female and had been in the job approximately 18 months. She had had a sheltered caseload for much of her first year but it was growing very fast to match her colleagues at approximately 50 cases. She did not know probation before NS and had trained on a course further North. At this stage she commented that: “social work became a very negative word...[you] couldn’t talk social work, [you] had to talk punishment.” However she was shocked when she moved to her present office because she “met a raft of people fighting for social work values, one-to-one supervision.”

PO3 was a white female and had been in the job for three years. Like PO2 she had trained in the North of England, in a different service which had been heavily into NS. Reports were very focused on the offence. When she had started in her present post, she had phoned up the PO who had trained her to say that she was doing social work! She liked this because it freed her from rigidly applying the test of whether information was relevant all the time, eg when writing reports. She had found that Magistrates liked the welfare parts even if not directly linked to offending behaviour: “they want gory details! [laughter]”

PO4 was a black female and had been in the job approaching three years. In response to my ‘broad sweep opening question’ on changes over her time in the service, her main response referred to the increase in work pressure, especially in the number of court reports. Because of this she had thought of ways of coping with the increasing demand



and together with a colleague had proposed a “reporting centre for people with low support needs/risk. We could then focus on one-to-one work with high risk people with more need and the service has taken this up.” The impetus for the centre had thus come from the main grade. She thought that it had been adopted as budgets had been cut, staff not replaced, “and it’s another way in which they [the management] can be seen as effective.”

PO5 was a black female with three years experience who talked at length about NS. She stated that there wasn’t time to adhere strictly to its requirements. She saw herself as a case manager and was uneasy whether the changing nature of probation would result in brief contact with offenders who would be ‘ticked in’ and then would go.

PO6 was a white female with over twenty years experience. She was prepared to breach offenders when necessary but she saw this as an act of last resort. She was very committed to working in partnership with voluntary sector organisations, particularly in the field of drugs.

PO7 was a white female with four and a half years experience. She was positive about the move to using more community agencies and the implementation of cognitive behavioural programmes. She wanted the service to be a little stricter on enforcement to increase public confidence.

PO8 was a black female with five years experience. She was concerned about the growth in bureaucracy and the increasing pressures on her time which prevented her

from giving her clients, as she still called them, 'the time she wanted'. As a union activist she put in very long days to ensure that her administration was always up to-date, as she was worried that the frequent inspections of work could undermine her role if she was found wanting.

PO9 was a white male with twenty-four years experience. He was positive about the increased focus on offending behaviour than was the case in the past, also the emphasis now on seeing offenders weekly for twelve weeks, rather than the six weeks when he had started in the job. He was interested in working in partnership with the voluntary sector, which he likened to 'dancing porcupines'. They didn't like to get too close incase they pricked each other.

PO10 was a black male with many years experience. He had a positive view that NS had meant that there were minimum expectations on the information that would be contained in offenders' files. He liked the inclusion of risk assessments so that the public would be reassured that community safety was a high priority. On the negative side, he deprecated the increasing standardisation of communications with offenders, which he saw was the way the service was coping with the expectations laid down for fast responses, when offenders wanted personal communications.

PO11 was a black female with eleven years experience. She believed that 'good' PO's would have been working to a standard, higher than NS, even prior to their implementation. She was thus not against the notion of NS. Her major concern was the scaling down of contact after the first thirteen weeks when she felt that often offenders



‘opened up’ most, and creative work was done with offenders, towards the end of the order.

PO12 was a white male with seven years experience. He described the service as changing from an organisation of individuals to one with a more ‘co-operatist feel’. Whilst he was cynical of the “misty eyed nostalgia...for the mythical autonomy that PO’s seemed to have” he was worried about the “correctional ethos” that was being embraced.

PO13 was a white female with four years qualified experience. She had worked as a probation service officer for two years, pre-training. She described her entire probation experience as one of coping with change. This was coupled with increasing work pressure as the written tasks had multiplied. She was still enjoying the job but the administrative pressure meant that she worked very long hours, including some Saturdays, to keep on top of the paperwork.

PO14 was a white female with two years qualified experience. She had worked as a probation service officer for four years, pre-training. Her view was that since training she had experienced an increasing amount of policy documents or policies that had had to be implemented. “It has felt that the job’s become a lot more punitive, a lot more administrative and very much less social working.”

PO15 was a white male with eighteen months qualified experience and three years pre-training experience in community service. In his first year of practice every one of his

case files was inspected by for compliance to National Standards. He was conscious of the increasing pressure on seniors but felt that if he needed to discuss a case with his senior between monthly supervision sessions it was possible, although if all PO's did this the senior would not be able to cope.

PO16 was a white female with twelve years experience. She had experienced her early years of practice in a very busy office with high caseloads as being somewhat chaotic. Working to National Standards offered a clearer framework and in her area she felt there was still discretion to allow for professional autonomy in dealing with offenders.

PO17 was a white female who had been in the job for three months. She had had probation placements in two different areas during her training. Her caseload was already up to thirty and she was aware that enforcement of cases was being further tightened in her service. She had undertaken her first placement with this service a year before and procedures had changed, as the service had adopted a functional approach and offenders were passed on, either to be worked with individually or in groups.

PO18 was a white male with six years experience. He had worked in social services, but found the remit too wide and he preferred the clearer focus in probation. He commented that in his office there had been some latitude when dealing with offenders reporting after the 1992 National Standards, but this stopped after the second version in 1995. As a cost cutting exercise his old office had closed and now PO's shared rooms in more cramped conditions. I was actually concerned for this PO during the interview as he was so exhausted.



PSO1 was a white male with substantial probation experience. He had been in favour originally of National Standards as it had brought in a degree of consistency to practice and took out individual PO idiosyncrasies. He now felt that the shift had gone far to far, to a situation when contact with many offenders was a token 'ticking in'. "Professional standards had plummeted" as management focused only on counting contacts and monitoring attendance.

PSO2 was a white male with six months experience. He explained that his job as enforcement officer was to tell (experienced PO's) "who were accustomed to being wholly responsible for their cases that I was now responsible for the enforcement of the Orders, and I was to ensure that NS are maintained (as far as accounting for failed appointments is concerned). The role of Enforcement Officer treads on everybody's toes, as the shift from case working to case managing has left many Officers feeling under-valued and threatened."

### **Middle Managers**

SPO1 was a white male. There was a fatalistic air about his comments and he remarked that there was a growing conformity within the service. It wasn't a question of how the changes could be stopped, rather "how are we going to cope with what is coming next."

SPO2 was a white female. She thought that she was managing her team very differently to how seniors would have "dared practice" years ago in that her practice was very

autocratic. She resented the amount of information she had to collect for the 'research and information department' it was very time consuming and nothing useful flowed back from them.

SPO3 was a white male. He was concerned that there was a lack of concern about the quality of contact with offenders, rather the emphasis was on monitoring. Too much time was taken up with clerical tasks, rather than face to face work with offenders.

### **Senior Managers**

SM1 was a white male. He remarked that for many years probation had not been part of the political arena and there had been bi-partisan support for uncontroversial policies. Margaret Thatcher had not been interested in criminal justice and had let for most of the 80's "relatively powerful and relatively wet end Tory party ministers to run their own show, I mean particularly Willie Whitelaw and Douglas Hurd." However this had changed before Michael Howard and now "there's undoubtedly a right wing climate in both parties." Whilst acknowledging slack practice in the past, he hoped the pendulum would slip back from the punitive tendency with the rediscovery that "somethings work" and the reframing of priorities towards the protection of the public.

SM2 was a white female. She was concerned with structural issues, the relationship between support services and operations, and the collection of data for its own sake. She expressed some irritation with the main grade, and the next tier of management, for wanting to avoid facing up to the pressures on the probation service to change and to



take on board national standards and new ways of working.

SM3 was a white male. He stressed that with national standards “the guidelines themselves were treated by some with great zeal, as being very prescriptive.” For him they were parameters within which to work, and as long as PO’s consulted with their line managers and recorded this, nobody was “was going to point a finger at that probation officer for not taking enforcement action when they should have done.” His main concern was that although PO’s had adapted to new challenges, they did not write good supervision plans of the work they were undertaking with offenders. This meant that the work of the service was undersold to ‘outsiders’: “the days of tea and sympathy have gone.”

SM4 was a white male. He discussed how the tasks of the service had changed, with the opportunity to undertake voluntary contact with offenders (e.g. non statutory contact like prison visiting) disappearing. PO’s saw their task in terms of rehabilitation, whereas the thrust of the Government was towards reparation. He questioned whether PO’s had practiced in an anti-discriminatory way in the past, because of the vast amount of discretion that was available to individual PO’s. It was very easy to avoid providing equality of opportunity to particular groups e.g. ethnic minority and women offenders.

### **Associated Staff**

The HM Inspector of Probation, felt that the role of the Inspectorate had become more important in recent years as probation services, with cash limited budgets, had become

much more under the control of the Home Office. Historically the Inspectorate role had been in training PO's and inspecting services and (later) probation management. The importance of NS and the fact that individual services performance was being evaluated was acknowledged. Seniors had changed from being "a facilitator, enabler, supporter, kind of role; and [who] would supervise a small caseload as well as writing reports" to becoming managers, "held to account for their staff; about being required to deliver a much more structured input into things like child abuse, higher risk cases or dangerous offenders."

The member of the Central Probation Council described their role as representing the interests of the employers of probation services. They spoke up on behalf of Probation Committees to the Home Office, Lord Chancellors Office, Department of Health etc. The changes in probation were perceived as bringing in more uniformity and standardisation. There was a recognition that this might have negative connotations, but the thrust was on improving the quality "of the product". The same emphasis was placed on National Standards which helped to define the tasks of the probation service. It allowed the service to state that offenders were seen regularly, but there was an acknowledgement that the service to be credible also had to demonstrate, to the general public, that its practice was effective.

The NAPO official felt that the pace of change in the probation service accelerated after 1995 when the volume of work had increased, leaving staff having too much to do and putting them under too much pressure. Much of this was budget driven, but National Standards also played a part. The first version did not have so great an impact, but



“some services are now operating on the basis that the 1995 standards have got to be implemented whatever else happens.” In terms of practice there was a concern that the wider causes of offending had been forgotten.

## **I        Changes in the Bureaucratic Tasks of the Probation Service.**

### **National Standards**

Informants used the implementation of National Standards (NS) as a watershed in how the bureaucratic tasks of the probation service had changed. As a consequence it became more preoccupied with processing offenders so that the numerical aspects of National Standards could be monitored, eg the number of appointments offered in the first three months; taking offenders back to court (breach action) after a certain number of missed appointments etc. The monitoring was concerned with the keeping of appointments, rather than what occurred during the meetings of the probation officer and offender. This monitoring was co-ordinated by the Research and Information (R and I) Department which had become a source of resentment by both seniors and maingrade. The information was used by probation headquarters in pursuit of their corporate strategy, rather than being of assistance to field staff. The corporate strategy was a rolling series of targets linked to NS. One senior cynically commented that: “the R and I [did] not come up with a measure for the quality of life.”

There was concern expressed by seniors at the lack of evaluation of the *quality* of contact with the offender as this was neither monitored nor evaluated. As one senior

commented:

In this service all clients on Probation or Combination Orders are expected to complete the same thirteen week group programme, which covers a range of lesser criminogenic needs, whether or not the client has been identified as having needs in those areas. Clients can be assessed as being unsuitable for the group programme, but this expected to be agreed by the SPO, some of whom take quite a rigid stand on limiting the availability of such exclusions. When the group programme was introduced, staff were told that the delivery and impact would be evaluated, but this has not happened over two years later. (SPO3)

In some offices in his service, it became expected practice that following the thirteen weeks, offenders were referred to a reporting centre, rather than have any other quality assessment or work undertaken. This appeared to be because some managers were viewing the first thirteen weeks of an order as being the only important part of the order, as that was what was monitored by the Home Office and the Inspectorate.

The implementation of NS in 1992 had left many officers feeling deskilled and there had been a process of transition, for example PO's questioned whether they could complete a risk assessment, were overburdened with making sure that they were seeing offenders often enough and were not having to breach and take them back to Court (SPO1). NS92 had coincided with the implementation of the Criminal Justice Act 1991, when probation had become a sentence of the court in its own right. PO9 thought that this had had a very large psychological effect on PO's, before then, probation orders were:

somewhat wishy washy, more of a trust thing, a relationship and not quite structured as a sentence, but now as a sentence it is in some ways more an honest relationship. The second change was from the welfare function to the risk assessment function, we have had to change...from this magical confidential friendship...whereas now we should be putting that [risk] first.



The time before NS was described as one with 'rough standards' when "there was a lot of discretion and a lot of difference in practice." (PO16) Offenders could be given very different supervisory experiences, according to the whim of their PO which was not seen as fair. NS95 did not require a major change from the 1992 version, but SPO1 thought that PO's still felt deskilled as they were "accountable for *not what they did with the person*, but for what they had *written down*." PO's felt that the quality of their reports was going down as they became an increased pressure on their time, even if there had been improvements in setting priorities for work with offenders. PO15 liked the move towards helping offenders with employment, training and education but this was not reflected in file inspections: "I would rather they checked us on quality of work rather than baked beans and quantity." SPO2 did not see that PO's needed to acquire new skills to work under NS, but as mentioned there was a need to record more accurately. These changes had led to PO's becoming case managers rather than caseworkers. This raised the question of working in partnership with outside agencies, which some SPO's did not feel was happening as much as was necessary. Newer PO's were "more geared to partnerships than older officers who are geared to saying what are your problems, what are your needs, how do I deal them...[new PO's are] more case managers than therapeutic workers." (SPO1)

## **Processing Offenders**

There was consensus by the seniors that the service had become more preoccupied with *processing* clients so that the numerical, ie measureable, aspects of National Standards could be monitored. This was to ensure that the correct number of appointments were

offered in the first three months and that breach action was initiated after a certain number of missed appointments. Thus SPO3 concluded that “There is a lack of concern over the *quality of contact with clients*” which was not monitored or evaluated. In his service seniors had to agree when offenders were assessed as not being suitable for a group work programme and some seniors “took a rigid stand” against excluding offenders from them. Access to these programmes was supposed to be determined by *criminogenic need, not administrative convenience*. Two years before when the group programmes had been introduced staff were told that the programmes would be evaluated and this was *still* to happen. The changes in supervision were perceived to have given offenders an easier time and were less challenging than ‘traditional’ probation practice. This was mostly due to the shorter time offender and officer were together. Furthermore partnership programmes, which had originally been ‘sold to then service’ as an addition to probation supervision, had become instead, an alternative to this. For many offenders, supervision might consist of an assessment meeting, six sessions in a group and then ticking in at a reporting centre. A PSO who worked in a reporting centre centre complained that the speed needed to ‘throughput’ offenders made sensitive and ‘meaningful work’ impossible. For staff, who he stressed were not lazy, there was a feeling that their work was a “deception”. He also commented that the staff were being squeezed in two ways, established officers who had become disillusioned were leaving, but bright new staff were doing so also.

Main grade were concerned with the effect of NS which was seen as looking for the “most common denominator” as opposed to the “most important things” (PO11). What NS attempted to look for in offenders lives was described as “offensively basic” by this



PO who had a student training role and she described the official expectation of practice as being pitched at student level. This type of supervision was seen as likely to produce “a nice compliant client” but not deal with their personal problems. The result of NS was the development of a high turnover model with a fast throughput of people where PO’s tried to discharge orders on them as quickly as possible in order to take on more. This model was not completely controlled by main grade officers in all the informants’ services. PSO2 described his role as being placed “exactly in between the demands of the Home Office (via management) and the needs of my colleagues (with who I had to work, and often socialised).” PO’s might need to maintain a good relationship with offenders and be flexible, but this was not the message from management. He eventually decided to toe the management line, not the main grade one. He cited a number of reasons for this: the positive support he received was from his manager, not the main grade who did not regard him as ‘one of them’, and some were even rude to him. The exceptions to this tended to be younger officers “who are not expected to abandon *decades* of ‘social work values’ in favour of punishment.” He no longer regarded “NS as a guide, but as a job description.” He admitted that even in the short period in the post he had become “cynical and embittered” and had changed his views on offenders away from welfare towards punishment, for self protection:

Out of necessity I have erected protective barriers, as it hurts when you are disliked for the job you do, when you are personally judged for your professional conduct, and your profession is essentially negative.

Some SPO’s described their role as having become autocratic, with central allocation of tasks which might be shifted to meet NS requirements. A further consequence was that there was no longer “meaningful discussion about cases” between the SPO *or between*

*the PO's themselves.* One PO mentioned that in her office PO's would still meet together to discuss the work they undertaking with individual offenders but this was now rare in her service. A service that had prided itself on working in a sensitive way with offenders had instead become process oriented, this was difficult to reconcile with the notion of protection of the public. Maingrade officers talked about the sheer pressure of coping with the paperwork and not going under with the pressure. Files were removed and checked to ensure that NS were being met, sometimes without warning if there was a crisis, although usually a week's notice was given.

The other 'innovation' that was impacting on the way that offenders were supervised was the growth of the electronic tag. Main grade staff were predominantly negative about this and senior staff were more pragmatic. Originally the equipment was unreliable but this was no longer the case. When offenders realised this they began to conform as the alternative was certain breach and prison:

It seems to have worked best where there has been co-operation between the probation service and the tagging company, and where the offender is being provided with, well I suppose what we still call social work input alongside just being tagged. The tag on its own will work in enforcing the curfew because it does produce fairly high levels of compliance, but beyond that it is totally non constructive. (SM1)

The option of tagging was not cheap and the feeling was that it would only work, not as an alternative to probation, but of prison. It could not be uninvented and refusal to engage with it could lead to it (at least partially) supplanting probation.

There could be an element of collusion between main grade and management, described to me as "impression management". In some offices it was left to the PO to decide



whether the offender was to be breached. There was a downward pressure from management to breach more, with little emphasis on quality of work, which had led to some of the more experienced staff feeling alienated as the traditional value base of the job was ignored. One PO described himself as not being a breach enthusiast but he was prepared to take this action in the face of complete non compliance. He mentioned a recent case of a an offender who had a particularly chaotic drug pattern and health and housing problems, where the magistrate had commented: "It's nice to hear a probation officer who's not a slave to National Standards".

### **Taking Offenders Back to Court (Breaching)**

The notion that newer PO's, who had not known the autonomy of working prior to NS, coped easier with the continuing changes was a perception shared by the newer PO's, more experienced Po's and their managers. PO's who had worked in the service in the 70's and 80's found the change difficult as they felt that they had lost autonomy and independence. Conversely for new PO's who had been trained under NS:

New Officers...worry if they don't breach. I've developed a system if they are worried about [not] breach[ing] due to vulnerability etc., then I get them to put it on file and I take responsibility to postpone the breach. They get extremely worried about not being seen to be breaching. (SPO2)

Individual offices with a low breach rate were criticised by their service, especially if the service as a whole had been criticised by the Probation Inspectorate. This had resulted in the 'enforcement team' (officially called the legal proceedings team) going into one office to 'beef up' the breach rate:

everyone got a bit anxious and started breaching. My breaching figures have gone up, I have to say, and this was highlighted in a couple of my appraisal reports. I was slow to breach, but in the last two years or so I begun to breach a lot more. (PO8)

When an offender was breached, it was common for the order to be continued and the offender fined for failing to keep to the conditions ie appointments. A first time fine could be for a sum of between £50-£100, but could be for considerably more depending on circumstances. A probation service officer told me that it was standard practice to ask for this, thus offenders would be likely, eventually, to complete the number of visits to a probation office and/or the hours of community service, but in addition they would have both paid an additional fine *and* the Crown Prosecution Service (CPS) call costs, typically £40. The CPS automatically asked for this sum and the PSO was under pressure to do likewise. He was resisting this pressure as he saw the: “fine as equivalent to, in many cases a couple of weeks of dole money, survival money really.” With legal aid being cut back, there was no guarantee that an offender, in breach of their order, would get legal representation, especially if it was likely that the offender would be fined and the order continued.

### **Coping with the Changes**

This did not mean that this type of officer, with a pragmatic view of the job, was averse to the changes. Other PO's could work within NS in 'imaginative ways' to avoid taking offenders back to court, if they were trying to co-operate with their PO. The notion of working in partnership was seen as positive, not least because the changing nature of the bureaucratic component of the job was becoming much more time consuming and doing



the breach itself was a very time consuming affair in terms of the time in taking out the warrant in court and doing the paperwork. One PO had described a situation where an offender was doing very well on the probation component of a combination order (probation plus community service), but had failed to keep to the community service requirements. It was the PO's responsibility to go to court and prosecute, although there was a good relationship between them, and the community supervision was working well. This was described as difficult. This had led to PO's describing their culture as one of concern to check whether the appropriate forms had been completed, rather than had the intervention with the offender affected their life for the better. NAPO policy was to suspend National Standards and substitute a code of practice, based on the 'what works' initiatives.

In one area the work had become compartmentalised, with each piece of work given a token amount of time for its completion. Thus the average completion of 10 court reports per month was given a time allowance of one and a quarter days per week, leaving the rest of the time for direct work with offenders. New cases were considered active as they had to be seen weekly but as soon as they were transferred to reporting schemes they gained less time credit for the PO. Certainly it was not possible to hide cases at the back of the filing cabinet as they all had to be logged into the 'time economy' and were liable to be inspected. Offenders designated as requiring less contact, as they were over the first three months and national standards decreed that they should be seen less often, had to be seen in what could only be described as the PO's voluntary time, as they would attract little time credit. PO's working in services not operating this type of token economy also prioritised work. Pre-sentence reports were

of the highest priority, followed by the paperwork on 'high risk' offenders. This was described as a 'cover your back' exercise:

this risk assessment business...is a main priority in [her probation service], that everyone is assessed at risk level 1,2 or 3 and I kind of feel as well like the sex offenders registration...it's nonsense. Because by filling out a form, isn't going to stop someone doing what they're going to do, and we were assessing people's risk anyway beforehand, and notifying appropriate people and whatever, but you can't be responsible for somebody's behaviour for 24 hours a day, or at any time. I think that is a paper exercise as well. And like the sex offenders registration, it creates a false illusion to the public that they'll be protected because we've got everyone registered. (PO14)

### **Recording Contact with Offenders**

Ironically although there was a greater emphasis on paperwork, to demonstrate compliance, recordings of offender contact had become truncated, even trivialised. Thus a PO stated that routine recording of offenders on minimal contact would say something like: "X reported today, pleased at continuing good progress and time used to discuss next appointment." Workload measurement in some areas meant that processing offenders, *and* communications with them, had become uniform. Any communication, whether from the offender, prison, failure to attend etc had to be responded to within two working days. The way of coping was using standard letters 'a whole batch of them', which were not seen as 'human' letters. The date for the next appointment was entered on the computer and the letter was printed automatically.

The increased computerisation of the Service meant that probation officers spent a greater proportion of their time sitting at computer terminals, lessening their availability



to deal with offenders. In some services this meant a reduction in the level of administrative and support staff employed, in others these staff were the ones seeing offenders when they came into the office.

A senior manager acknowledged that the administrative complement had “been reduced to a mere shadow of what they were.” CRAMS, the computerised records scheme was paid for by this reduction. It was stated by a senior that it was well known within the service, that it would not work. CRAMS had a pre-windows operating system and was not up to the task. The consequence was that PO’s had to start undertaking the typing of court reports and other documents where accuracy was essential, as legal documents could influence the lives of both offenders and victims for many years to come. It would appear contradictory to train Probation Officers in the interpersonal skills they need to interview, assess and develop work with offenders, and then give them clerical tasks to complete, whilst at the same time giving remaining, experienced clerical staff responsibility for face to face contact with offenders. This was particularly so when clerical staff could complete the administrative tasks in a fraction of the time it took some Probation Officers to do them. A further indirect consequence of CRAMS, I was told, was to make it impossible to operate on any sort of social work model as it was not designed to record detailed interviews:

If you’ve got an unexcused absence on a CRAMS record, it takes away the discretion of the professional, it tells you - next step, drag on a letter and breach them. It triggers breaches...and it allows senior managers to monitor much [more] easily to make sure that breaches happen, if officers even try to disguise them. (PSO1)

The implications for confidentiality of CRAMS, or the introduction of any

computerisation that was meant to link services up (not only to each other but also to other organisations in the Criminal Justice System), lay in the access all organisations would have to the information the service held on offenders. It also concerned the safeguards that were in place to protect access to those who needed to know. The Data Protection Act, and the authority to disclose information under the Crime and Disorder Act, would still apply to each separate organisation within the Criminal Justice System. It should not be assumed that because probation may share the use of the same, or a similar, computer application, that the information kept on the application within each individual organisation would, or should, be shared amongst the others. It was not clear whether this had been clearly thought through by the Home Office in its attempts to develop an information sharing system within the Criminal Justice System. Some PO's thought that on the issue of confidentiality that the sharing of information on offenders with other agencies was a price worth paying for the greater protection of the public.

Historically PO's admitted getting far behind in their recording of offending contact, six months or more was not uncommon to some very experienced informants, PO's couldn't afford for this to happen now, I was told. This was avoided either by shortening interviews, or working very long days (PO18 said that his day was usually 10-11 hours and he worked many Saturday's to keep up. He was still giving some offenders long in-depth interviews).

The effect of working through the changes, I was told by main grade and seniors, was a high level of sickness and stress among PO's. Seniors hoped that reporting centres would take the pressure off maingrade staff but staff still felt under pressure. PO's had



found ways of controlling their workload pressure by not visiting offenders serving time in prison. The 'knock on' effect for seniors was that prisoners wrote to them complaining at the lack of PO contact. This was not a desired outcome for the PO's who wanted to visit more often but could not due to work pressure. The fact that many prisoners had literacy problems made communication by letter difficult.

Main grade staff complained at the need to complete 'user unfriendly' documents and 'meaningless statistics'. The flow of information was one way, from maingrade to the Research and Information section. It was not seen to be of use in the task of supervising offenders. An example of this was a quarterly summary on the stability of the offender's housing. There was the question of what would constitute 'stable' housing for that particular offender, did it need to be kept for a week, or a month or three months? Sometimes a person might move regularly between different accommodations, at the time the form was completed it might look stable and be so again in time for the next summary, but in between there might have been several moves. It was difficult to do justice to this in a simple yes/no tick box.

Some Senior managers felt that the move to make PO's type their own reports was a waste of their skills, others that this was part of the process of change and the need for more flexibility. One, undertaking an MBA, with a number of private sector managers, thought that PO's could be somewhat precious and needed to 'get real'. The intention was to speed up the administration of justice. Administrative staff, who were becoming a rare breed in the service, were acknowledged as being under great strain as PO's failed to develop their administrative, typing and computer skills fast enough and secretarial

staff tried to deal with the pressure. One solution was to have peripatetic workers who could be 'parachuted' into problem officers to support teams in crisis. The office for PO8 had been criticised, for example, as reviews on their offenders were not being completed every three months (changed to a maximum time of four monthly under NS2000). Each time there was a change in procedure there was a 'confusion lag' until the changes bedded in and this had been a particular problem when the sex offender register had first started, with the possible sanction for the offender of a fine or six months in prison.

All informants concerned with providing a direct service to offenders commented on the considerable increase in the number of forms Probation Officers were expected to complete in relation to each task they undertook. This, I was told, was explained to them as being important for monitoring the work the Service undertook. Whilst there was an acknowledgement by some middle managers that some of the information gathered is useful, Probation Officers saw little benefit from it. However, it had meant that supervision of Probation Officers by Senior Probation Officers has become focused on whether monitoring forms have been completed, rather than on the development of practice and work with clients. It seems incongruous that the task of completing these forms could be completed by administrative and clerical staff from the case records and other information available in case files, thus allowing practice staff more time to develop quality work with clients. The erosion of the tasks between secretarial staff and PO's was seen as a further aspect of the deprofessionalisation of the service. PO's talked to me about coming in to the office at weekends, working very long days and cancelling leave to try and keep on top of the paperwork.



On the computerisation of probation records, CRAMS has now been declared unsatisfactory, and SPO3 whilst commenting that his service had not implemented it, added that the effect had been to significantly increase levels of stress and frustration amongst practice staff at the amount of time they have been expected to sit in front of a computer terminal rather than doing the job they were trained for. CRAMS, and the system used by his service, was slow to use; confusing in the language it used, and in the way it operated; easy to make mistakes on, but difficult to rectify those mistakes; incompatible with other applications in use in the service, and also with other parts of the Criminal Justice System that it was meant to link probation officers to. Because of the major faults within the application, it also increased the level of stress and frustration amongst administrative and clerical staff.

Some officers found the idea that actuarial feedback on the offender's likelihood of reoffending was given was a helpful addition to professional judgement or 'gut feeling'.

However this was not always the case, particularly as this percentage figure was shared with the offender. One PO mentioned that a colleague's 'client' was very upset as the risk figure computed was very high and the offender stated strongly that they had *not* reoffended on the order.

### **Contact with Prisoners**

In throughcare (or resettlement, as it has recently begun to be known) there was a decreasing emphasis on visiting prisoners regularly during their sentence. This was partly due to budget limitations, but was also due to the greater role prisons were playing in

developing sentence planning and delivering programmes of work with prisoners during sentence. A senior manager stated that regular prison through-care contact was “really history” and furthermore:

Even the sentencing planning demands upon us are something we can't deliver on regularly...the role of the PO is to supervise people in the community, to discharge our responsibilities to the court, to work collaboratively with people and the partnership agencies. Prison visits per se are increasingly less part of that equation. (SM3)

However, whilst the emphasis within the Service was on less contact with the prisoner during sentence, prisons were expecting probation officers to visit more frequently, to attend reviews of work undertaken on group programmes within the prison, and were often dissatisfied with the response when probation officers said they are unable to do so. The lack of prison visiting was rationalised by some PO's as logically following on from the change of emphasis away from relationship building with offenders and the 'mystique' attached to this. However for most PO's it was simply a question of work pressure preventing contact, especially visits, with people in prison. Report writing, ie offering a service to the courts was the primary task of the PO's. There was absolutely no discretion in refusing to undertake the preparation of these reports and no control on their frequency which depended entirely on judicial decision. A minority of PO's had the principle of showing court reports to offenders in the probation office prior to the court date to explain its content away from the anxiety and freneticism of the busy court. This was seen as being professional, but was yet a further pressure on probation staff. This work was undertaken at the cost of not visiting offenders in prison. As mentioned earlier, prisoners complained at the lack of probation contact.



In one service, offenders serving less than one year, who did not therefore receive any probation supervision on discharge from prison were seen by the Society of Voluntary Associates (SOVA). PO's would not be given any time allowance to see them at all. This was seen by senior managers as a possible area where PO's would become involved again. The case for probation intervention with short term prisoners had been made very strongly in the Prisons-Probation review, but in the light of the budget cuts, and the need to maintain frontline staff, it had had to be sacrificed, alongside mileage allowances for prison visiting. There was a conscious awareness that the probation service could be criticised for this policy. Prison probation staff had also been hugely cut back on, but the frustration for service managers was the inconsistency between prison governors. Policy appeared to be made on the hoof whereby the treasury decided that bail information in prisons would be run by seconded probation service officers, yet probation services had not been asked to recruit them and, I was told, *even* the Chief Inspector of prisons had not known of the innovation.

## **II Changes in the Value Base of the Probation Service**

### **Understanding the World of the Offender**

There was an increasing expectation that missed appointments inevitably led to breach action. The introduction of guidelines which limited the reasons for missing appointments which could be seen as acceptable, meant that a larger number of Probation Officers, especially those new in the service, were seeing their role as insisting offenders attend appointments or face breach action, rather than explore the reasons for

failing to keep appointments, and encouraging offenders to see the service as having something to offer them. The number of breaches has increased, as POs saw themselves as increasingly expected to take such a stance by senior and middle managers.

With the changes outlined above and less contact time between POs and offenders, they were less aware of the context of offenders lives and thus were not in a knowledgeable enough position to make allowances for the realities of the day today occurrences that affected offenders ability to keep appointments regularly. Some Chiefs were very keen on the growth of electronic tagging and the changing political climate allowed a hostile, punitive approach towards offenders to develop. Traditionally probationers were referred to as 'clients' and many PO's interviewed used this term. A PSO interviewee was explicit about this and the dehumanising penal climate:

We were told not to refer to our clients as clients anymore, we can only refer to them as offenders and I just can't do that...you know we tag yachts and cattle, and you know, property you don't want to go missing, you don't tag human beings. You deal with people in a proper sensitive, civilised, thoughtful way, which is a balance between care and control; at least that was what I was brought up to believe. (PSO1)

The theme, that offenders led chaotic lives and many found conforming to NS difficult, was echoed by main grade officers who felt that offenders wanted to work with their PO's particularly when they had immediate problems. In particular when writing reports on unstable drug users, PO's anticipated that they would not immediately be able to comply with the rigours of NS:

What you try to achieve in the [probation] order is a change in their lifestyle, with change in the way they behave. When your whole day has been spent trying to think about how you get your next set of money for your next fix. These are not the people who comply immediately - if I



breached all of those people I would not be out of court for most of the week. (PO11)

Concern was expressed that there was a danger that offenders would eventually be seen behind glass barriers as staff became less skilled in dealing face to face interactions. Older PO's who had worked with untrained direct entrants, likened them to newly qualified staff in terms of rigidity of approach. Conversely a newly trained PO contrasted her approach with older established colleagues who did not breach offenders very often. One PO expressed a view that her training in NS had led to an "obsession to breach". She had been told at her interview for her permanent job that PO's did not breach offenders very often and she had pointed out that this was not the case for her. She complained that the ability to take offenders back to court had become an attribute to put on a PO's CV. There was a tension between management and the Home Office, who put pressure on PO's to take offenders back to Court and the wishes of many main grade not to do so. The courts had an ambivalent reaction to these offenders being returned for resentencing and might defer sentence to postpone making a decision. The police also often failed to execute breach of probation warrants so that the offender was left in limbo for a considerable amount of time (PO15). An experienced PO gave a different view of the earlier, less stringent, supervision:

We modelled very badly for people who needed limit setting, I don't know if there is a shift in society, but in the past we let clients down as they were lacking a structure in their lives and we were the agency to provide such a structure and because of the kind of ethos of limitless growth free association we failed to provide those limits. (PO9)

### **Discrimination and Offenders**

Whilst a lot of effort went into attempting to ensure that certain categories of offenders

were not discriminated against, and that all offenders were offered the same level of service, the greater impact of the more negative approach of the service towards offenders who were already experiencing discrimination had been largely forgotten. Thus the impact, for instance, of being black, and dealt with in such a negative manner by a predominantly white organisation, being perceived and received as increasing the experience of discrimination was being ignored. I was told the same could be said of gay/lesbian clients, and women offenders who were all, in the name of being dealt with equally, increasingly being dealt with on the basis of structures set up to deal with white, male, heterosexual, able bodied offenders. One aspect I was told “where there was a gaping void” was the issue of class. Structural issues were not on the probation agenda. In language, reminiscent of Foucault, I was told:

We’ve got the body and we are going through to the soul, and the fact they [the offender] had to adhere to weekly reporting, is almost touted as a kind of war cry of probation officers. (PO12)

An officer with a number of women on his caseload complained that resources for women were scarce. He had wanted a woman with an ‘anger management’ problem to attend a group to work on this. This was available to men but not to women. He had had to work hard to obtain the money from his service to pay for creche facilities despite the fact that this should have been readily forthcoming. His experience, both as a PO and previously working in community service, was that court sentencing for women was sexist, with a reluctance to give community sentence orders to women (PO15).

The use of actuarial scales meant that offenders seen as being of low to medium risk of reoffending were sent to reporting centres, rather than being offered individual contact



with a PO. The implication of this with regard to female offenders who tended to commit less serious offences was that they rarely were offered the opportunity to have one-to-one work with a PO. Thus many women offenders lose the opportunity to be supervised which is at the centre of the difference between the old casework model and the actuarial 'risk to public' approach. One PO put this very well:

When we teach students, we say you have got to get your theory into shape, so we make them do child development work, we make them understand human development processes...what we teach people on social work courses is early life experiences will have a significant impact on later functioning. Now the reality is that we know the vast majority of probation clients have suffered either emotional or physical or sexual abuse. There are a good proportion of them from very very broken damaged homes, so you are talking about issues around attachment theory [which] become very very significant for them...you have people who may not have had significant connection with another human being [and] whose expectations are low. If as an organisation you start to repeat those cycles, you risk reinforcing their understanding, and I think it is very very dangerous. If part and parcel of the risk assessment is that you don't understand the nature of the persons experience up until this point you lose the whole point that might assist towards a proper understanding...[that could lead to] change. (PO11)

The change to an actuarial approach has also meant that the emphasis on monitoring equal opportunity in service delivery has moved from ensuring the differences in the various offender groups are taken account of, to focusing on ensuring every offender was dealt with in the same way. One example of this, according to SPO 3, was the introduction of standard warning letters for missed appointments. To take account of the low level of literacy amongst some offenders, the letters were written very simply, and in big type, in outlined boxes. For some offenders, however, this has meant that the letters received were seen as patronising and/or threatening, and potentially modelling the type of aggressive approach that probation was meant to be encouraging offenders to reduce the incidence of.

Changes in the language of National Standards in the 1995 edition, and the draft revisions to be introduced in 2000, all emphasised the quantitative aspects rather than the qualitative aspects of client contact and work undertaken. I was told by a number of probation officers that the processes for gatekeeping, or quality assuring, reports written that came about as the result of services developing anti-discriminatory practice initiatives in the 1980s, had been diluted by ACOP and the Inspectorate into a checklist of tick boxes to measure quantitative aspects of reports, rather than measure the quality of the content. The tick box mentality was well established within probation.

### **Discrimination and Staff**

The Dews report had upset a number of black staff and was perceived by black staff as an attack on them. More black staff were leaving the service than were joining and very critical comments were made to me by black staff at how the service was failing them:

if the services are saying that we're working in an anti-discriminatory practice way, we're looking at race issues, we're seeking to forward a career [for] our black staff, it doesn't show, because, it seems as though you get...to the glass ceiling and you don't get any further. Are you saying that black staff are not good enough to become chief officers? What are you saying? What message are you giving? (PO8)

Black staff also experienced difficulties if they were placed in areas that were particularly racist. This might be because they ran a higher risk of being attacked when they went to and from the office or else on their visits. They had had rubbish dumped on their cars.

I was told that the local authority had been very unhelpful about this and the probation service management had not wanted to get involved. The other aspect of discrimination



which was described to me was the disciplining of black staff by the probation service. The issue of black staff having their literacy skills formally investigated was mentioned, including the use of external consultants in this process. One PO was investigated on more than one occasion and was not given an apology when he was declared competent. Main grade white staff were predominantly seen as supportive and the problem was described as being at an institutional level.

### **‘Advise, Assist and Befriend’ as a Set of Values**

The old adage of ‘advise, assist and befriend’ was seen as a set of values mostly by the PO’s who had been in the service prior to NS. Protection of the public was seen as a key value by all PO’s and managers. However anti-custodialism was *not* mentioned by any PO’s and it was questioned by some managers. Indeed one SPO stated that PO’s would not argue against a custodial sentence if it was perceived as being “deserved”. New adages’ included: ‘advise, supervise, enforce’ and certainly *not* befriend; ‘protect the public’, ‘care and control’. The most extreme response mooted was: ‘Deliver whatever you are asked to deliver, do it cheaper, do more for less, punish more’. Even when ‘advise, assist and befriend’ was seen as ‘relevant’, this way of working was not with the ‘blessing’ of the service management:

now it feels like a very administrative role, you know, they report, we tick ‘em in, and that’s fine. They don’t turn up, we breach them. The bit in the middle, the kind of social work, addressing what the underlying causes of their offending behaviour seems to be, get a bit lost, I think.  
(PO14)

Senior managers did not have a problem with the maintenance of ‘advise, assist and

befriend', as long as the order was enforced, and they were concerned to point out that the job could not be reduced to "some kind of mechanistic, form filling administrative type task.". It was pointed out that the national standards did not prevent the continuation of this old adage. Discussion of values with some PO's had the potential to depress informants. On a positive note one PO felt that the values that had brought her team into probation was still "alive and well". There was an incongruity between how some PO's positioned their own values statements and how they saw the wider service values. PO16 was positive about the values she operated to: 'help offenders take responsibility for their actions', 'reconcile the offender with the community', 'develop a victim awareness' and 'protect the public' but she did not ascribe these as the aims of her service. Largely, staff interviewed were demoralised, being depressed by the sheer amount and pace of change. Respect for offenders was being eroded and the understanding of discrimination in society and how it impacted on certain groups was not reflected in how NS was being enacted.

### **III Changes in the Skills Base of Probation Officers**

#### **The Need for New Skills**

Social work skills were seen as useful, in particular interpersonal and communication skills. The commitment to fight discrimination was not seen as the prerogative only of social work. It was not seen as helpful to try and 'rally round' these 'old values' but there was a worry by the majority of informants that the emphasis on process might deskill the probation staff. As one PO stated about his preferred way of working which



was psycho-dynamic, rather than cognitive, it was important not to ignore the feeling or anger from the past as these had implications for behaviour in the present and future. The uncertainty of the future was such that nobody could predict how the service would be operating in years to come. Some saw this as a threat, some as an opportunity. What the future values of the service would be was unclear, but many aspired to new growth and development of skills which would place the probation service centrally within criminal justice, rather than in the past when probation was a marginal influence.

The member of the Central Probation Council spoke in terms, very reminiscent of social work values, when discussing the role of the probation officer which was seen as:

to care for the offender...and to hold the offender to account and therefore to protect society...you achieve that by using your personality and your relationship with the offender to influence them...if you wanted just controlling punitive officers you might want to employ something similar to a community base[d] prison service rather than a probation service and the probation service has traditionally been about hav[ing] an understanding about why particular people act in different ways and I suppose to put it another way it is about recognising that crime is expressing a societal ill which needs to be tackled.

Seniors didn't think Probation Officers had had to learn new skills to operate under National Standards, but how to use new systems (apart from keyboard skills). The use of the standards in a quantitative way had reduced the opportunity for staff to use their *existing* skills. The changes brought about by the Criminal Justice Act 1991, which preceded the introduction of National Standards, meant that the application of skills which staff already had were used in a more focused way in relation to assessment: risk assessment; needs assessment; assessment of intervention needed to reduce the likelihood of further offending. All of these were involved in the role of the Probation

Officer prior to the 1991 Act, but in a more diffuse way. Some PO's felt that they had had to learn to be more business like in their practice, for example the sending of standard letters for appointments like 'dentists and doctors'. In terms of traditional skills, these were important to make risk assessments (for the individual and to the public), but PO's had to be more focused and had to learn where to concentrate their energies. The growth in the use of partnership agencies was uncomfortable for many PO's who did not want to give up primary responsibility for contact with offenders. Some of this unease was about the *quality* of what the agencies were capable of giving to offenders.

The focus on developing programmes for offenders under the Effective Practice initiatives meant an increased focus on skills in delivering pre-packaged programmes. This was perceived, on occasion, to be at the expense of the use of group work skills, as the package has come to be an end in itself, rather than a means to an end, and the content has become more important than the process. The recent ACOP Enforcement audit showed there was no proper way of measuring whether the quality of work had improved since the introduction of National Standards. New effective practice initiatives were described as new techniques based on old ones', called something else, but where the underpinning theories were essentially the same. Cognitive behavioural methods of working with offenders were taught on the old social work courses, but psycho-dynamic training was also offered, which was time consuming and did not allow for the case management approach now demanded. Probation services were now using computer driven programmes to determine the risk of reoffending, the two most common packages being called ACE and OGRS. Scores were entered, between one and five, under various



categories e.g. sex, age, criminal history, accommodation (including type, degree of permanence), alcohol issues etc and then the programme gave a percentage score of the degree of risk presented by the offender.

Having generated the score the programme (and not the PO) automatically generated the type of intervention the offender would receive, for example: low scores would mean low level reporting (ticking in) at a reporting centre; high level risk might mean twice weekly attendance in a thirteen week group programme. The process of quick assessments and then moving offenders on made some PO's question their part in the process which was described as "shuffling people about" and did not lead to much job satisfaction, the task was to move offenders on quickly, without getting to know them.

Working with a large number of 'lower risk' offenders meant the pressure came from completing the large number of risk assessments that had to be completed regularly.

PO's made the point that whatever the score said it still eventually meant the offender and the PO meeting together in a room, which required some skill. The main concern was those offenders assessed as low risk in terms of reoffending, but where there was risk of self harm. PO17 was worried that these offenders could fall through the net and she hoped the person's needs would be picked up in the reporting centre. This new PO was sceptical about whether she was doing 'any good' with offenders and described her intervention as "more of an enforcement." She did not feel that enforcement, without building up a relationship with the offender, could be effective. Her responsibility was to pass on offenders quickly, once the assessment had been completed, but the resources were not there for the offenders to be picked up and worked with immediately. The responsibility to send out the warning letters and to enforce the orders lay with her. It

was not a question of learning new skills, and the job was not giving job satisfaction. In the supervision centres low risk offenders would be required to sign in a book to confirm attendance. They would be seen by untrained probation service assistants and the process was rudimentary. However it satisfied the *demands* of national standards.

Senior managers were enthusiastic at the opportunities offered by the 'effective practice' initiatives, which had replaced the depression of the 'nothing works' scenario of Martinson, who had 'haunted' the probation service for many years. The multi agency public protection role had led to a positive sharing relationship with the police and acknowledgement of probation expertise. It was put to me that the probation service had to satisfy a number of stakeholders and this included the courts, as well as the Home Office. The latter, in a power position over the service, were fixated on national standards, but this was not always of interest to the courts who saw this as part of the 'executive', not the judiciary. The judiciary and the Home Office did not always see 'eye to eye'. Many magistrates wanted still to be able to offer 'welfare' services to 'inadequate' offenders and did not take kindly to being told that their (inadequate offenders) criminogenic need was too low to require probation intervention. These stakeholders wanted the traditional probation skills.

### **PO's as Case Managers Rather than Case Workers**

Changes in the use of service spending, to ensure that certain percentages of service budgets were spent on funding partner organisations to deliver services to clients, meant that Probation Officers have increasingly seen themselves as case managers rather than



case workers. SPO3 applauded the move to encourage clients to use more community based facilities than was the case previously however he added:

I am concerned about the quality of some of the services being provided. In some instances I am aware of Probation Officers being obliged to refer clients to services whose staff are less knowledgeable and skilled than the Probation Officers referring them. This is particularly true, in my experience, of drug and alcohol work.

Another change was the increasing specialisation of the service into functional roles, so that PSR writing, community supervision, throughcare, group work, have all become specialisms in themselves, in the same way that prison and hostel work were/are seen as specialisms. A consequence of this for the offender, I was told, was that the offender would be seen by a number of different staff and in consequence, would not know who was supervising their order. This could lead to an (anomic) lack of commitment to the order. Conversely, this had reduced the opportunity for new staff to experience the range of work that Probation Officers undertake sufficiently to get adequate experience to feel confident about moving between the different areas of work; and a similar lack of investment in working on a one off basis with the offender. Whilst this was not a direct consequence of the 1991 Criminal Justice Act, it is a result of the continuing changes that have been introduced within the service since the 1991 Act came into force. Rather than bring together the various pieces of legislation that affected the work of the service into a consolidating Act, and allow a period of consolidation, as was stated as one of the aims of the 1991 Act, the introduction of the Act preceded an increasing period of change and further legislation that is still continuing with the threat to cut offenders' state benefit if they fail to conform to community sentences and also the threat of automatic prison sentences for those who breach community orders.

Even before these this, PO's were very aware of the changing ethos in the job, which was now to help offenders complete the community sentence, rather than primarily achieve personal change:

I think the first thing that we've learnt is to accept that we are not a social work agency, but rather a criminal justice agency, to manage the sentences that are imposed by the courts, I think that's one thing. But then, new skills of working, I think the new skills new skills have something to do with talking to our clients in a way that is not frightening, but at the same time, is very open and frank whereas hitherto they'd be looking at growth in the long term... (PO10)

Some PO's were happy to describe themselves as case managers and the possibility of organising 'packages' was seen as potentially useful to 'sell' non custodial options to magistrates. Instead of 'advising, assisting and befriending' PO5 described herself as a 'referrer', but admitted to feeling low in terms of morale and would leave the service if she could. Other PO's were more positive about the changes, but linked the changing nature of the offender profile to serious offences, to increasing stress for staff. PO7 who was probably the most enthusiastic exponent for the changes felt that managers were not actually managing the changes very well. This was because she thought that seniors either did not understand what was meant by 'effective practice' or else they were 'stuck' in the befriending' role and were leaving the main grade to cope as best they could. Thus there was a 'crisis management' model which she saw as being at variance with the Home Office model. She did not see that there was a problem in ticking offenders in to fulfil their obligation to report to a probation officer under NS, as long as there had been a full risk assessment undertaken. There was no need to think in terms of befriending which she saw as confusing to offenders, as PO's were not meant to be



their offender's 'friend'. Contact now was to do 'specific tasks' and the job was now less 'fuzzy'.

The difference between being a case manager and a case worker was very important to some PO's as they wanted to be 'hands on'. The former role was described by some as being a 'paper shuffling' exercise, not requiring people centred skills. Many older PO's took earlier retirement as they did not like the changes with the changes and PO's adopted different strategies to cope. Some experienced PO's were described as 'paperwork professionals' who could 'churn out reports'. It was stated that PO's could not both keep up with all the paperwork and maintain the previous level of contact with offenders and this upset many of the staff.

As part of the case management role, PO's liaised with other community agencies, making new alliances. In particular probation now worked much more closely with the police. This was seen as important by senior managers. The police were now called on to manage and keep surveillance on high risk and dangerous offenders and they saw that the probation service as one of the few organisations that had the skills to assist them in this task.

## IV Changes in the Knowledge Base of the Probation Service

### Engaging with a Different Type of Offender

I was told that the offenders probation engaged with over the last 8 years, since the introduction of the 1991 Act, had become increasingly more serious. They presented greater risks to the community than before. These people were in the system and in the community previously, but the service had little to do with them as they were those not considered for, or not granted, parole until the 1991 Act changed the parole system. With all offenders sentenced to imprisonment for a period of 12 months or more now being released on some type of licence, a group of offenders that the service had little to do with previously became a considerable proportion of the probation caseload. A senior manager commented that, although offenders were less likely to have had any say in whether they were to be supervised by the probation service, this did not mean that there was less reason to try and engage with them. Her concern was that newer PO's were quick to instigate the process of breach, but they had not attempted to find out *why the person had not attended*. The unanswered question was whether the new officers had developed the *knowledge*, inclination and ability to engage with (at least the) reluctant offenders:

I found myself, with some experienced officers, saying you must breach this person now and with some new officers saying, don't breach them, go and put some effort in...some of the new officers are so keen...that they no longer see it that they have to use *social work skills* trying to get someone back. I think my view would be that enforcement does not mean that you do not try to engage somebody and keep them coming, and enforcement on its own actually fails. (SM2) (my italicised emphasis)



"Advise, assist and befriend" was still appropriate in delivering service to offenders according to many staff. However risk assessments and working 'effectively' had become the central priority. The new "buzz phrase" that appeared to have developed was that of "protection of the public", although "enforcement action after two missed appointments" ran it a close second on occasion. What was less certain was whether it was the role of Probation Officers to deliver direct work with offenders? The increased emphasis on the use of partnership organisations in providing services in the community, meant that the delivery of some services had become the responsibility of others and this created mixed reactions in main grade staff. Many did not want to lose their interpersonal skills, but recognised that working in partnership required different skills.

The effective practice initiatives presumed a knowledge of cognitive skills and the delivery of agreed programmes in areas like anger management, sex offender, substance abuse etc. Some senior managers were concerned that with the speed of change, PO's had not yet learnt how to understand and implement an approach that drew predominantly on cognitive skills. Probation staff would be trained to do this and it was not clear to informants at the time of interview how much personal discretion they would be allowed. The traditional role of befriending and working long term on problems from the offenders past was very much out of favour and was not seen, at least at senior level, as being as effective as the cognitive approach. This view was not shared by all at main grade level, many of whom talked fondly of their 'social work knowledge and skills'. There was a fear that a 'check list' mentality was developing.

Much of the above analysis focused on the affect that NS has had on the probation

service, with its central thrust of compliance. The emphasis on ensuring this compliance has become a central tenet of the service. This was difficult because there was not a simple causal relationship between compliance to court orders and ensuring that the risk to the public was kept as low as possible. Extreme examples were given to underline this point. Mentally disordered offenders who had become completely disassociated and cut off who was unable to keep appointments or sex offenders who usually were the epitome of compliance but this did not mean in any way that they were not intending to abuse, where their offending included a measure of pre-planning, cunning and plausability. The Home Office Inspector felt that there was still:

an enormous scope to work with offenders and not just be doing, and monitoring, a tick box sort of basis...it is the job of probation service managers and indeed us lot, to make that sort of government expectation.

One probation officer was very involved in the training of new staff for the new qualification of 'Diploma in Probation Studies', the successor to the social work based 'Diploma in Social Work'. It appeared that a different ethos was being inculcated into the trainees by the service:

They are much stricter and also much clearer about their role of probation (sic) and they are not coming from so much of a social work angle which is quite interesting. They seem to be quite clear about why the person is there, about the harm that that person has caused in the community and the victims of society. They are quite on the ball in terms of enforcement if people do not turn up and what they would do. (PO7)

I was told by other staff that the new recruits were 'an incredibly bright bunch', many were graduates, chosen because they had clear minds, had no preconceptions of what they were coming into, were capable of working at a frenetic level; and could operate more as case managers than case workers. For experienced PO's the changes in practice



were uncomfortable. The computerisation of records meant that records were becoming much more concise and it was not possible to record the quality of the work undertaken.

This was put eloquently by one PO:

I can fill out forms and rattle off reports 'till the cows come home, but in terms of actually sitting down one-to-one face contact with clients, that is what's having to go. I feel very sad about that, also quite angry about it because the reason I came into this work is to do social work with clients. It wasn't to fill out endless forms and appease governments and whatever. (PO14)

The decision to work in ways that did not emphasise traditional 'casework' skills was seen as 'not very intelligent' as ultimately it would result in a less skilled and effective work force. Newer officers could adapt to the changes, but as mentioned above, there was a schism, exemplified by an observation from a very experienced PO on what was perceived as acceptable quality of work under NS:

an officer...qualified two or three years, sent a file over to our office on some work she had done with a prisoner, with a list of questions and the first question was: "are you addressing your offending behaviour, if not, why not? The officers here were quite horrified that this had been done...What it actually meant and how it would be received and how it was going to enhance our work with that person or reduce the risk of offending, [or the] protection of the public on release; and the fact that [it] was held as an excellent file, because the records were up to-date and written in the style of national standards. But there seemed to be no interest or concern about the quality of the input, other than that that officer was doing what he was meant to be doing. (PO16)

## **V      Explanations About Why the Changes Have Taken Place**

### **Political Considerations**

The changes were perceived to have been originally generated by a right wing Conservative government whose political aim was to be seen as being punitive towards those who committed offences of any kind, but they have viewed as having been continued by a Labour administration that was seen by many as needing to be as equally punitive on people who committed offences, despite the rhetoric of "tough on the causes of crime". The introduction of local strategies for crime and disorder reduction under the Crime and Disorder Act, could have allowed some work to start on the causes, however the involvement of local people in developing and delivering some of these initiatives meant that the prejudices of the general public against offenders of any kind acted against this. Optimism was expressed by some that this was a key area where the probation service could begin to reassert their professionalism and skills in working with offenders. The Inspector of Probation believed the changes could be traced back to the late 1980's when there was "a sense around that the Government needed to get more control of the probation service." The Home Office funded 80% of the probation service and the changing political climate "was not really picked up by the services." This led to a realisation that new priorities like 'value for money' and 'accountability' were important and the client that the service had to satisfy became the court and not the offender. As this fed into practice the HMIP was very positive about the change whereby the probation service accepted that it had a public protection role. Probation officers now drew up action plans, with the offender, to see how the offender could keep



out of further trouble, drawing on cognitive skills programmes. There was an honest appraisal of the work that the Inspector had undertaken, years before when working as a PO, and this was described as “looking at practical issues”:

I suppose...if I was to go back to fault my own practice as a probation officer, I think I was far too nice to some people who I supervised and that sometimes I should have reacted in a much more forthright way to some of their behaviour.

### **The Organisational Response**

One reason for the implementation of the changes, put to me by seniors and main grade, had been the inadequacy of the main service organisations to present a united approach to government proposals. Middle managers and main grade complained that the members of both the Association of Chief Officers of Probation (ACOP) and Central Probation Council (CPC) were so disparate in their views, that neither organisation had been able to take a lead in defending the services work coherently. In fact one senior commented somewhat cynically, that the main way the two organisations seemed to have found of presenting a united approach was to agree with all the changes that had been suggested. The united approach of the above to organisations, together with NAPO, to defending the status, and to a large extent the content, of Probation Officer qualifying training, had not been matched in protecting the service from other changes that had occurred. The CPC person interviewed described Chief Officers as pragmatists who had not forgotten that offenders were human beings. The problem was that the public elected the government who then decided policy. The author was reminded that CPC, ACOP, NAPO and other organisations resisted the strictures of the last Conservative

government to abolish the need for a professional qualification to practice as a probation officer.

NAPO was seen by some informants as being predominantly on its own in arguing against the more major changes in direction that have been imposed on it by the Home Office under both Conservative and Labour governments. Other informants, at all levels, saw NAPO as being ineffective in opposing some of the changes. The disparate views of all these organisations were seen as responsible for creating the move towards a national service. This view did not include a consideration of where the power to create change lay. In many ways the successful rearguard action to hold on to a professional service in the last year of the Conservative government was an impressive achievement. The NAPO representative was concerned that probation services were locating all problems within the offender. The influential Underdown report typified this as housing, poverty and other social problems were not addressed as ‘offending behaviour’ became the myopic, narrow focus for probation intervention. This was linked to an over concentration with risk assessment and risk management. Early assessment tools like OGRS and LSIR were used on the premise that computations could tell the probation officer how criminal the offender was likely to be. The former assessment tool only considered ‘static’ factors which were unchanging e.g. offending history, sex, age etc. The latter one included ‘dynamic’ i.e. changeable factors, but according to the NAPO person, it ignored whether the offender was homeless or not, being more concerned with the number of times they had moved in the last three years and whether they lived in a ‘high criminal’ area. Homelessness per se, was not seen as relevant in the consideration of the risk of reoffending. It did not address issues of changing behaviour and what



might help in working with the offender. The latest assessment tool, called ACE, at least asked a range of questions, which included detailed questions on finance, personal circumstances, and it asked the offender to comment on how they saw their situation, what they saw as their problem(s) and how hard it would be to avoid these problems in the future. A cynical experienced probation officer might suggest that this was the line of reasoning they used in the past, without the need of a computer driven set of prompts. What gave the NAPO person cause for optimism was a belief that New Labour would put rehabilitation back on the agenda. Jack Straw was seen as a different person to Michael Howard, although he was “more social authoritarian than the probation service directly is.” This implied that NAPO expected the service to become more authoritarian, without necessarily locking up more people in prison.

Some probation officers felt that their chiefs were worried about the direction the probation service was moving in and that the pressure for change from the Home Office had caused services to respond always in a reactive way. There had been an effective guerrilla war fought against Michael Howard but after Labour had come to power the resistance had ceased and Chiefs followed the prescriptive rules from the Home Office, as they wanted to survive, as probation became a national service or organisation. A typical comment was that senior managers wanted to stay in the ‘good book of the Home Office’. There appeared to be an autocratic edge in how decisions were made, without reference to practitioner staff. One service had tested four different practice models in their area but had failed to consult or indicate how they were going to choose which model would become the main one for the area.

A PSO with responsibility for taking offenders back to court told me that he was being told to prosecute breaches even if there was only a couple of days left on the order. This was because these cases would be picked up in the Home Office internal monitoring and the service wanted to be seen to have delivered punishment.

There was considerable difference between the way senior managers and employers saw the changes, and the way it was viewed by main grade staff. The emphasis on quantity rather than quality that had been imposed by senior managers and employers, seemed to be representative of a value base which was not concerned with the quality of work, or the recognition of difference in developing anti-discriminatory practice. This was in opposition to the values of the majority of workers in the service who would like to be able to focus on providing quality services to offenders, but were increasingly limited in the opportunities to do so. The probation service was described by some main grade as more of a 'business organisation' being concerned with performance, statistics and budget. NS, working in the most cost effective way, and low reconviction rates during the sentence were the central priority. One of the more enthusiastic PO's, who worked in an office where anti-discriminatory practice (ensuring that all offenders received as fair an opportunity and access to probation resources as possible), was a high priority, mentioned the high stress and sickness rate and unhappiness amongst PO's. She felt that management were:

so enthused about their effective practice and what we are going to do in the future - which in a way is good and positive - but the other side of the coin is that I am not sure whether they really had an understanding of the strength of feeling and therefore they are not terribly responsive to it, but I also believe that is the same everywhere...the service is under pressure to respond to meet governments changes and expectations. I



am just not convinced that they have gone about it in the most intelligent way. (PO16)

PO's wanted to practice in an anti-discriminatory way but the criminal justice system was still operating in a racist way. This was not perceived as a central priority of the probation service which had to respond to outside performance targets. Senior managers spoke of a commitment to anti-discriminatory practice but there was a danger in forcing all black offenders, for example, to attend empowerment groups. Voluntary attendance was likely to lead to low attendance. The problem appeared to be lack of dialogue as the different strata faced up to their particular pressures and strains. This was referred to by one senior manager as "part of our cultural problem." (SM2) Main grade felt the financial pressures as offices closed, secretarial staff were laid off and there was an attitude that they should be grateful for having a job. Middle managers felt there was a gulf between them and the next rung in the hierarchy. One critical comment from an SPO was that they "had to make the operation work...there is a lot of management currently, I am not sure whether there is a lot of leadership."

In contrast, a senior manager expressed some exasperation with some main grade "where it had become part of the culture" to resist changes, including national standards, and saw the rift at the next level of responsibility:

The practitioners don't focus and blame their seniors no the whole because they have a bit of loyalty and they know them. I think we have an increasing gap between the management and the senior managers...What higher middle managers have done is to try to protect their staff, but what that has done has allowed them a kind of false illusion and some complacency...if you don't want to work and deliver this then you had better start looking elsewhere because there is not going to be an option. (SM2)

The poor record on enforcement was seen by another senior manager as a reason why the new Labour Government was not “trumpeting more loudly the success of the probation service.” Because of this the particular probation service was innovating ways of increasing the rate of enforcement (and breach) by piloting the use of a specialist breach officer.

### **Morale and Issues of Control**

The change to a Labour Government had led to a hope by some main grade that the service would regain a feeling of professionalism after a period of low morale. However Jack Straw was described as being as punitive in outlook, and anti-probation, as Michael Howard had been, despite the resurrection of professional training. A senior manager described the morale as “very, very low”, although he hoped to be able to engage with the Government agenda in the future. There was an acknowledgement that to be seen to be engaging too closely with probation was “political suicide”, however they knew that the service was needed and it fulfilled a vital role. The service, as a very small component in the criminal justice system, had been forced to see itself as a cog in a bigger wheel, and hope was expressed that this might lead to its influence expanding as it worked in partnership and its knowledge and skills were acknowledged. Some PO’s adopted a conciliatory approach to management, whilst acknowledging that there was a strong anti-management bias by main of the main grade, associated with the contract culture, electronic tagging and other changes. For senior managers, the new culture held a danger that practice was viewed simplistically by politicians and the Home Office. It was pointed out to me that at a time when many of the controls on the public sector



were being removed by the creation of 'Next Steps' agencies, the Home Office was moving in the opposite direction to greater centralisation and central control. An example of this was a naive Home Office survey on motor projects which found them to be ineffective and was followed by a letter to the different probation services saying stop supporting these projects. The service's own research, written up in the British Journal of Criminology, contradicted this and there was evidence that it reduced offending and was cost effective. They were able to keep the project going.

### **Emerging Themes from the Interviews**

#### **Overview of the Changes**

In the above analysis of the interviews definite themes emerge. I will give my general observations and then apply this to my theoretical questions. The probation service has become very stratified, with one middle manager describing the gulf with senior management as a chasm. Senior managers were also conscious of this gulf and each blamed the other for this. Seniors were pragmatists, very cynical towards the Research and Information section (as was the main grade). They detected differences between pre- and post-NS trained probation officers, the former remained predominantly at heart caseworkers, the latter case managers. This was the perception of the officers themselves. Furthermore the implementation of NS had other effects. Those PO's trained after the implementation of NS were *much* more prepared to breach. It was fascinating that new PO's who had trained in services that had strongly taken 'on board' NS had been in shock when they had started in services that had not yet renounced

traditional ways of working with offenders. In particular they had felt a state of anomie at not breaching, as this had been 'drummed into them'. However after this they had come to appreciate the skills at working in the borough and 'doing social work' ie working in an interpersonal way with offenders. They respected the PO's for trying to hold on to these values, where interestingly one SPO expressed surprise that social work was still an issue. PO's said that NS was impossible to implement rigidly, the courts would not want this anyway and wanted 'welfare' type information on defendants. When offenders were taken back to court, Magistrates often did not know what to do with the offender and the order was allowed to continue.

The impression was given that work was one long battle to keep on top of the rising workload and *especially* the paperwork. Seniors were more aware than the main grade of the crisis in administration staff. They tried hard to offer case supervision, but this was now much more focused on practicalities. Seniors saw supervision as important to ensure that risk assessments were being carried out and professional practice with offenders was continuing. It was the overwhelming view of the main grade informants that they were not receiving this type of supervision. The anxiety and unease about the future left PO's uncertain and some contemplated leaving the job in the future. Despite this innovation was present. All PO's were prepared to work with partnerships and but predominantly years of service affected the propensity to use the voluntary sector. The reporting centre, with specialists in housing, drugs, welfare rights etc. on the premises had been a main grade initiative, taken up with great enthusiasm by the middle managers as a good idea in itself, but also a way of managing the increased workload. Many PO's and PSO's were uneasy about the work in these centres as it was often only ticking in



people to satisfy the requirements of National Standards.

**The first theory question concerned bureaucracy.** Graphic detail was given how this was becoming ever more of a burden, PO's complained of being under huge work pressure, not least because of the sheer number of new forms they had to complete. The implementation of national standards had resulted in a break from what had occurred before and the common complaint was that the supervision and inspection of probation work was concerned with ensuring compliance to the standards and not with the quality of the work undertaken with offenders. Many officers complained that they felt 'deskilled' as they became more concerned with 'processing ' offenders rather than working therapeutically with them. 'Meaningless statistics' were being generated and computer generated assessments of risk of reoffending.

Alongside the more frequent but briefer contact with offenders had occurred the computerisation of probation offices and a dramatic decline in the number of administrative and secretarial staff. PO's were then expected to input their records into the computer and to type their own reports. Had the system worked, instead it was an expensive incompetent fiasco, there would have been important implications for confidentiality, as information became shared between different criminal justice agencies. Senior managers could more easily read and keep track of officers' records and compliance to national standards. The brevity of the records de-professionalised them as they became descriptive accounts of their attendance.

There was a shift away from working with offenders during their time in prison for both

time and financial reasons. Senior managers were more ready to say that the move away from undertaking 'welfare' oriented work to risk assessment and new ways of working, but many main grade probation officers regretted and resented their inability to work with offenders during their time in prison. Work with very short sentences (less than a year), that did not attract any period of compulsory after-care licence, had been passed to the voluntary sector in at least one area and had thus gone full circle. This work had originally been taken away from the voluntary sector in the mid 1960's as it had been found wanting.

**The second theory question concerned issues of control, therapeutic work and the value base.** There was an increasing expectation that missed appointments inevitably led to breach action. It was clear that PO's wanted to work in a therapeutic way, but were prepared to exercise their authority and breach offenders for non compliance to National Standards. There were clear differences between pre- and post-NS trained PO's in this respect, although experienced PO's had been pushed into increasing their breach rate and felt that they had no choice but to do so. It was easier for post-NS PO's to adapt to changing requirements, but this group was feeling more stressed as the inflexibilities of NS become manifest. They were adopting strategies to keep chaotic offenders away from the courts, which they articulated, did not want to deal with breach. 'Social work values', as mentioned by Mair earlier in the text as an area of some mystique, was important to PO's.

PO's had been instructed to stop using the word client when talking about offenders but most, of all levels of seniority, used this term in conversation. It was felt by many main



grade, that the more rigid system of reporting and the increasing use of standardised letters and procedures, did not allow for the problems experienced by chaotic offenders. This was seen as discriminatory. The need to practice in an ADP way were seen as values essential to hold on to. Tentatively it would appear that more black PO's were cynical that senior management were not interested in promoting these values, but more interviews with black and white PO's would be needed to substantiate this.

The old adage of 'assist, advise and befriend' was a convenient metaphor for the old service ethos and values. Staff at all levels had a mixed response as to whether this was still appropriate. The argument on one side was that PO's had to have the skills to engage with and gain the trust of offenders, others felt that this was a harking back to a bygone era and was unnecessary and confusing to offenders who did not regard PO's as their 'friend'. Other phrases put forward included terms like: 'protect the public', 'supervise and enforce', 'care and control'. More cynical alternatives were also extended focusing on cheapness and punishment. This part of the interview brought out feelings of demoralisation from many PO's and there was an acknowledgement at all levels of the service, that moral was low.

**The third theory question related to how the changes were reflected in probation practice, and its 'skills base'.** The notion of a reporting centre was unknown to the author when theory questions and informant questions were designed. Traditionally offenders had always been seen by PO's and not a 'pooled basis' whereby they would not know who they were reporting to. Clearly many offenders are being siphoned off into this disposal, and it would appear that many receive what can only be described as

a very superficial service. Probation officers had lost their flexibility to decide when offenders needed seeing, as compliance to national standards decided frequency rates. Thus some offenders would be seen when there was not a need to do so and contact was usually for a shorter time. There was limited opportunity for more in-depth work to be completed. Some offenders might still receive a 'traditional' type interview, but time pressure largely *precluded* this. This was described as a 'tick box' mentality.

NS was a *major* preoccupation with newer PO's but was also heavily mentioned by their more experienced colleagues. Its impact, not least due to the 'R and I inspections', forced PO's to manage their time in a different way. However the interesting observation that could be made is that newer PO's trained in NS enjoyed working in a traditional way and adapted to it very happily when offered the opportunity. SPO's would have liked to offer the type of meaningful supervision, mentioned by Kempshall, as necessary in the supervision of dangerous offenders. It was clear that they did not have time to do this and PO's confirmed that this was the case. This is very worrying.

Newer PO's experienced *role confusion* when they did not have to follow as strict a NS model than the one they had been trained in. Newer PO's appeared to have the same *value base* as their more experienced colleagues. SPO's referred to newer PO's as being case managers rather than caseworkers. All PO's were prepared to engage with partnerships, experience did not seem to be a factor in this. The more recent emphasis on risk assessments was approved of by all PO's, although some complained that *every* offender had to have an assessment, which was time consuming. It was stated by PO's that Magistrates recognised *the need to give some offenders time*, more than the senior



managers and the Home Office, who insisted on 'number crunching' adherence to NS inspections, derided by some informants as a waste of time and money. Senior managers were the ones who had to implement the orders of the Home Office and some expressed irritation that the main grade and their immediate managers had been protected from the realities and pressures of being forced to implement budget cuts and new procedures.

**The fourth theory question related to the knowledge base of the service and responses to the changing offender profile and 'effective practice' initiatives. The answer to this must be considered in two parts. Firstly in terms the priority of considering the 'risk to the public' posed by offenders, a term still needing a rigorous definition (reoffending, dangerousness, etc), offenders were not seen generally as becoming more dangerous. The nature of the offence was different, fewer burglars and car thieves, more alcohol/driving and crack cocaine users. Secondly different areas were generating different problems eg in one there were more asylum seekers and offenders needing the services of an interpreter as they struggled to survive in a strange, unfriendly environment. Notwithstanding this, all offenders had to be seen broadly in the same way.**

The main difference was that *all offenders* sentenced to terms of imprisonment for one year or more were seen on statutory licence on discharge. These were involuntary 'clients' of the service many were predominantly low risk were given only a rudimentary level of supervision. These tended to be the offenders given short periods on automatic conditional release. However long term 'heavy end' offenders who previously would have been considered bad risks for parole, would still be given periods of probation

supervision. Sex offenders were unlikely to get parole but now could receive extended probation supervision and have their names on the sex offenders register, when they would have to report changes in address etc to the police. Where in earlier terms there was antipathy and suspicion between PO's and the police, there was now closer liaison and sharing as they were charged with the responsibility of overseeing and keeping checks on these offenders.

In terms of probation practice, new cognitive skills programmes were being implemented, possibly at the cost of spending time getting to know offenders personally and gaining their trust. The programmes were likely to be implemented during 2001/2 but it was likely, for the sake of programme integrity, that PO's would have to stick to a taught script. There appeared to be some concern that new officers were *too ready to breach* and take offenders back to court, without trying to find out why they had missed appointments and whether they could be worked with to encourage compliance. Could this be the cost of putting compliance as the goal of probation, rather than befriending and understanding the world of the offender?

**The fifth theory question related to why were the changes taking place. Who had generated the changes and had it led to changes in values/perceptions within the service?** The old value system which placed emphasis on respect for the 'client' (now a taboo word) and on 'difference', was gone as the offender became an object to be worked with. Their permission was no longer necessary, they could no longer give consent to be made the subject of a probation order, it became an order of the court in the Criminal Justice Act 1991. The growth in compulsory prison post-release supervision also



increased the involuntary nature of probation contact. Ironically the new priorities of risk assessment, protection of the public, structured assessment, working in partnership and inter-disciplinary co-operation have gained precedence in social work at the same time as in probation practice. These changes have not occurred in a vacuum but in at a time when there has been dissatisfaction with traditional social work. There was a general acknowledgement that traditional probation practice had been idiosyncratic and contact with offenders had been unspecific and unstructured. a move for change therefore would have been generally supported.

It was the sheer intensity of the change that was problematic, and the way the offender was considered. There was clearly a high level of stress within the service which had in turn produced a high level of staff sickness. The impression was given that the SPO's were pragmatists seeking to contain a difficult pressurised situation of rising demand for services and diminishing resources. The probation world had moved on from 'advise assist and befriend', especially the 'befriend' part. It was questioned whether 'anti-custodialism' was a common value, particularly of the main grade. The new values of the profession were still to be articulated but it was clear that there was a vacuum here to be filled. This might become clearer in years to come as qualified staff from the new Diploma in Probation Studies emerge and begin to take influential positions within the service. They will not have known social work values but what will be put in their place? They were being trained to be case managers, but would they be able to make relationships and 'hold on' to difficult offenders, especially if they were trained to breach quickly those offenders who did not comply with probation conditions? If values are not articulated clearly then the void is likely to be filled with procedures which do not

recognise difference in terms of race, class, life opportunities and experiences and gender and which treat each offender as fully responsible for their (premeditated) action(s) and therefore fully entitled to receive the same punishment and justice. The criminal justice system will have lost its humanity and the scope for discretion and understanding, returning to the lack of clemency of a bygone age.



## **Chapter Seven**

### **Summary of Thesis**

The thesis began with a brief history of crime and punishment. It outlined a mixture of economic, political, philanthropic and pragmatic reasons for the changing nature of sentencing, and penal disposals, which could be extremely savage and punitive. From its roots in the religious voluntary sector; when probation sought to reclaim offenders from the 'evils' of drink, and workers were described as missionaries, grew an organisation that saw itself as professional.

PO's were seen as specialist social workers and they enjoyed the same training. The golden era of the treatment model of working with offenders was in the 1960's and offenders, known as clients, were worked with utilising a psycho-pathological model, which placed great emphasis on the personal history and experiences of the offender.

Gradually confidence in this model ebbed away to be replaced with a more pessimistic view that 'nothing works'. The innovation of parole from 1967 onwards started the tension between the judiciary and the Executive about who was responsible for determining the length of time offenders would serve in prison. It also meant that, for the first time, offenders were supervised by the probation service, when they had not agreed to be put on supervision, on their own recognisance. This was the essence of traditional probation, and a device that had been in use from Elizabethan times.

Since then, there has been a steady increase in the use of statutory, involuntary supervision, until the Criminal Justice Act 1991, which made all community disposals

sentences of the court in their own right, and introduced the notion of 'just deserts'. Other significant changes to the probation service were occurring at this time, after the publication of the 1984 Home Office 'Statement of National Objectives and Priorities' for the probation service. The autonomy of main grade officers to decide on how they would work with individual offenders was being questioned, alongside the role of probation management and how it exerted control over its staff. A raft of papers from the National Audit Office and the Audit Commission and the Home Office, between 1989 and 1990, denigrated traditional probation approaches, instead pushing for cognitive methods of intervention. More significantly, it signalled that the client of the probation service, that had to be satisfied, was the Court and *not* the offender.

The year 1992 was most significant for the probation service for two reasons, the role of Chief Inspector of Probation was established and the first edition of National Standards was published. The Probation Inspectorate began a regular programme of service inspections that had a major impact, to ensure compliance to the Standards. These laid down minimum expectations for frequency of contact between probation officer and offender. The Standards did acknowledge the social work skills of service staff.

In 1995 a second edition of the Standards changed the rationale of probation to one of delivering punishment. Chapter Five includes a textual and visual analysis of the two versions, making this explicit. The decision taken by the Conservative Home Secretary, Michael Howard, to end the social work qualification as a pre-requisite for working as a probation officer was an attempt to cut off the old value base of probation and to de-



professionalise the service. The Services resisted these changes and did not appoint unqualified staff to probation officer posts. After the Labour Government was elected in 1997, a new form of training was initiated, but the punitive trajectory of the former Government continued. Probation was formally described as a correctional agency and the severance of the link with social work was confirmed. The latest edition of National Standards 2000 is even more restricting, allowing offenders only one, not two, absences before they have to be returned to court. A new Criminal Justice Bill states that the expectation is that offenders who breach their community penalty should go to prison.

The rationale and priorities of the probation service has changed. There was much enthusiasm of senior management for the new effective practice initiatives and that the notion of 'what works' had replaced the pessimism of 'nothing works'. Interviews with probation staff, indicated that their bureaucratic tasks have increased, as had use of the breach sanction. On the positive side the protection of the public was seen as a high priority, when historically this had not been high on the agenda for some PO's. However morale amongst many of the staff was low and there was a concern about good practice, notably a commitment to anti-discriminatory practice. The perceived differences between the probation grades were sharply etched, and this is not conducive to good practice and a shared higher aim. It may be that probation is at an important crossroad, not for the first time, and the punitive use of the breach sanction has to be tempered if offenders are to be given the opportunity to change for the better. If offenders had their life in order to the extent of being able to keep to the conditions of National Standards 2000, they would be unlikely to be needing 'effective practice' guidance and support in the first place.

The research with probation personnel revealed that the implementation of National Standards was a watershed in how the enforcement and bureaucratic tasks of the Service had become formalised. The preoccupation changed to processing offenders, quantity of contact, rather than quality, was the central concern. The knock on effect of this was that many officers described a crisis of morale within the Service, as they were accountable, not for what they did with the offender, but rather for what was written down in the files.

The computerisation of the probation service has led to truncated, more superficial written records of contact with offenders, removing professional (social work) content. The National Standards requirement of a fast response (within two days) to failed appointments or communications from offenders, has resulted in the use of impersonal standardised letters (National Standards 2000 takes this to the limit by giving draft letters which have the sole component of the threat of breach). The withdrawal of secretarial staff meant that probation officers are spending more time on administrative matters and less on 'face to face' contact with offenders. They are less aware of the context of offenders' lives and the reasons why they might be unable or unwilling to report.

National Standards held the expectation that offenders who failed to conform should be breached. Discussion with probation officers of varied experience revealed differences between those officers trained before the advent of the Standards and those trained after them. Newer officers did not find it difficult to breach, whereas pre-1992 officers often did. Many of these also felt that they had lost autonomy and independence. The use of



regular inspections had forced these officers to conform and increase their rate of breaching.

The result of these changes was a high rate of sickness and stress amongst PO's. Staff were working long hours to cope with the changes. The high throughput of offenders in the community meant that prisoners were given a lower priority. Something had to give if officers were to cope with the pressure; this was not popular with prisoners. The devolution of finances to prison governors had resulted in a major cut back in the complement of prison probation officers; thus any prisoner contact with the probation service had become problematic.

The probation service has traditionally prided itself on its commitment to anti-discriminatory practice. This has not been easy to uphold as practice has changed from a 'clinical' approach to an actuarial, risk centred one. This was because offenders categorised as lower risk were rarely offered one-to-one time with a probation officer and many women fell into this group. A profoundly white organisation, under pressure, was generally operating in a more negative way towards all offenders and, I was told, had forgotten how this would impact on those who experience discrimination in society.

Furthermore, the loss of 'gatekeeping' or quality assurance of reports meant that poor practice was not picked up before the judiciary read the reports. This process had been replaced by ticking boxes, measuring something quite different. Some black staff expressed a sense of vulnerability, of not being fully supported by the service.

The old adage 'advise, assist and befriend' was seen as a set of values by those

inculcated into the Service prior to the advent of National Standards. Added to this was 'protect the public' and also 'enforce'. The value of 'anti-custodialism' was not added by any of the informants. Staff were positive about the new effective practice initiatives.

The addition of actuarial techniques, used alongside clinical judgement was seen as helpful. However there was an issue about how much freedom PO's would have to exercise professional judgement. The impetus to turn PO's into case managers, rather than case workers was accepted by newer staff and resented by many of the more experienced ones.

Appendix One describes earlier research carried out on the way PO's worked with offenders in prison and on their release. A survey with PO's from 1987 indicated great inconsistencies in practice, lack of management direction, with more frequent contact when probation areas operated specialist prison liaison schemes. A follow up pilot survey in 1994 recorded the impact of National Standards from 1992 and the increasing bureaucratic nature of the probation task, including working with the voluntary sector.

It was this pilot study that demonstrated that the research should focus on probation practice in general. In the main research probation practice with prisoners and those not subject to statutory after-care supervision was found to be minimal.

Appendices Two and Three focus on a specialist probation unit that worked with homeless and rootless offenders between 1965 and 1990. The probation service took over this task from the voluntary Discharged Prisoners' Aid Societies. The dissatisfaction with what they had offered is discussed in Chapter Three. There was much innovation from the Unit that led to Day Centres and hostels being developed by



the wider service. As probation management sought to take control over the autonomy of main grade officers, the Unit was seen as being out of line with service priorities and eventually it closed down. Concern for the homeless and rootless offender was no longer seen as a task for the probation service as the priority became the supervision of community sentences, in accordance with National Standards. Responsibility returned to the voluntary sector.

This research has not sought to be a critique of effective practice, there is much evidence to suggest cognitive skills, as a method, is a positive and supportive way of working with offenders. Furthermore clinical and actuarial methods of assessing risk, used together, offer a more detailed assessment of the offender than either used separately. What is worrying for the future, is the obsession with actuarial notions of risk, coupled to concepts like control and crime management. The danger is that disadvantaged sections and groups in the community become locked into being seen as high risk and in need of control and surveillance. The evidence from the United States where so many of the black and ethnic minority population are either incarcerated, or else on community supervision, should act as a warning to policy makers in this country. The report from the Chief Inspector of Probation Towards Race Equality (2000) reveals that discrimination is occurring in England and Wales in the way that PO's write reports on black and ethnic minority offenders. The service has not moved forward since this was researched by Denney (1992). It confirms my finding that many black and ethnic minority staff do not feel supported. The report does not put these findings in context, and the finding that PO's highlight social factors in reports on ethnic minorities' highlights the official concern to ignore the backgrounds of offenders.

## Conclusions

Offenders have been seen by probation officers as many different entities, including: 'clients', scroungers, victims and/or dangers to the public. This has been part of an evolutionary process as practice has changed over time. It is the contention of this thesis that this has changed, as work with offenders has become part of the political agenda.

Most recent work on probation has either concentrated on the agenda set by the Government i.e. on 'effective practice' or 'what works' (with offenders) or it has been a critique on social control. Researchers have not engaged with practitioners on the contradictions inherent in the new role of simultaneously being part of a punishment culture, enforcing National Standards, and being expected to challenge offending behaviour and protect the public. What emerged from the research was that the old adage of 'advise, assist and befriend' remained true for some but had been replaced by other imperatives e.g. 'control and monitor'.

In a historical context the probation service grew out of philanthropic endeavour and was seen as a civilising force for good. It militated against the worst excesses of the criminal justice system and allowed the prerogative of mercy to continue in a different guise to reclaim the 'deserving' fallen. As a consequence, in the twentieth century, the service was typified by innovation to help the alcoholic, the homeless and those released from prison. For these offenders and the vulnerable the probation service, as a growing service in the post war period, brought professionalism and took over many functions from the philanthropic and missionary sectors that could not deliver a professional service. The After-Care Unit in Inner London is used as an exemplar in this respect.



The waning of the Unit can be linked with the assertion of control by the Home Office (1984) and with it the lack of interest in working with homeless offenders and work with prisoners, especially petty persistent short-term offenders.

Work with offenders has become part of risk management and has moved from clinical assessment to one of actuarial calculation. A further consequence of this has been a major change in role from caseworker to case manager. The concept of risk is very seductive for the Home Office and probation management and allows for the survival of the service albeit in a very different form. There are major implications for the work of PO's and the numbers of qualified staff required as well as the question of what they are qualified to do. Probation officers have changed from being caseworkers to case managers. The use of probation partnerships with the voluntary and private sector has major implications for offenders and what service/supervision they receive directly and/or indirectly from the probation service and its partners. Trifurcating is now the order of the day. Offenders deemed to be at 'high risk' will receive intensive one-to-one or group supervision, 'middle risk' offenders may be put through groups in anger management, alcohol education etc and 'low risk' offenders may be seen in resource or reporting centres. My informants gave worrying detail (in some instances) of the superficiality of some of these disposals. The heavy use of partnerships takes the probation service away from direct work with offenders, except for those deemed as being a high risk to the public.

The probation service has become very stratified as a result of these changes, with senior managers being positive about the future, middle managers rather pragmatic about the

direction the service was taking and feeling that they are at the (lonely) interface between those above and the main grade. Main grade staff feel that they are at the sharp end, working with offenders and having to produce voluminous amounts of paperwork. This unease is compounded as staff believe that the process of change is continuing, morale is an issue within the staff, as is role confusion.

There is a fundamental shift in how the offender is now viewed by the probation service.

The offender, their needs or inadequacies, can be 'split' into components, which it is believed can be worked on separately. The latest risk assessment tool, OASys, after the earlier OGRS and ACE, is to be used jointly by probation and prison services, producing an assessment of risk to the community. The new mantra, utilising jargon terms like 'pro-social modelling', 'what works', 'evidence based practice' and 'effective practice'; has the sole method of intervention of 'cognitive programming' or 'social skills work' with offenders to enable them to make conscious decisions to avoid offending. Lower down the priority list is the need to help with housing and welfare rights. Thus responsibility for offending is placed completely on the offender and not on inequalities within society. The solution is to make the offender aware of the consequences of their actions and the *effect on the public, as victims*. Issues of structural inequality can thus be safely ignored. The final sleight of hand is a move away from a holistic view of the offender, who instead is *atomised into different faulty components*. At the top of the pyramid is the criminality aspect. For this, the offender will receive cognitive skills programming. Typically of the 'stop and think' reasoning and rehabilitation rationale. Secondly, issues of substance abuse, anger management, driver re-education etc will be treated, finally issues of welfare benefit, and accommodation etc will be dealt with.



What are certainly not on offer are traditional holistic views of the offender as a complex entity where these issues might interrelate. It is as if all that has gone before is seen as subversive, ineffective or irrelevant.

Linked to new ways of working, is an obsession with National Standards, punishment and compliance. The Chief Inspector of Probation undertakes inspections of probation areas and publishes thematic reviews of particular areas of practice. The area inspections conspicuously avoid issues of reoffending and the quality of the intervention, concentrating on the rate of compliance to National Standards reporting. Indeed the recent Third Report of the All Party Penal Affairs Committee is completely focused on compliance rates and the notion of punishment. What all of this avoids is the research on effective punishment that comments that punishment is not a useful approach to the avoidance of reoffending. Thus at the heart of working with offenders is an inconsistency which is avoided in the works/effective practice probation literature. *The punitive window of community punishment is inconsistent with the literature on what works with offenders.*

Cognitive skill programmes have been shown in research to reduce offending. However what is proposed, and is starting to be implemented, is the inflexible use of programmes to be delivered without drawing on the skills of the probation staff operatives. The rationale of programme integrity and the mantra that the programme must not be modified, but be delivered as laid down in the script, has turned PO's into operatives and misuses the concept of cognitive skills.

## Bibliography

- Aldridge, M. and Eadie, T. (1997) 'Manufacturing an Issue: The Core of Probation Officer Training' Critical Social Policy Issue 50 17 (1) 111-124.
- Allen, R. (1991) 'Out of Jail: The Reduction in the Use of Penal Custody for Male Juveniles 1981-1988' Howard Journal of Criminal Justice 30(1) 30-52.
- Appleyard, G. (1971) 'Prison Welfare?' Howard Journal of Penology Vol. XIII No. 2 106-113.
- Archard, P. (1979) Vagrancy, Alcoholism and Social Control. London: Macmillan.
- Arden, A. and Hunter, C. (1997) Manual of Housing Law. Sixth Edition London: Sweet and Maxwell.
- Ash, L. (7 December 2000) Criminals Go Home The Times, Times2 Analysis 5.
- Ashworth, A. (1999) Principles of Criminal Law. Third edition Oxford: Oxford University Press.
- Audit Commission (1989) The Probation Service: Promoting Value for Money. London: H.M.S.O.
- Audit Commission (October 1991) Going Straight: Developing Good Practice in the Probation Service. Occasional Paper Number 16 London: H.M.S.O.
- Barker, M. (Nov 1993) Community Service and Women Offenders. London: ACOP.
- Barnes, M. and Warren, L. (1999) Paths to Empowerment. University of Bristol: The Policy Press.
- Bartrip, P (1981) 'Public Opinion and Law Enforcement: The Ticket of Leave Scares in Mid-Victorian Britain' in Bailey, V. (Ed) Policing and Punishment in Nineteenth Century Britain. London: Croom Helm.
- Bauman, Z. (1994) Alone Again: Ethics After Certainty. London: Demos.
- Bauman, Z. (1998) Work, Consumerism and the New Poor. Buckingham: Open University Press.
- Beattie, J.M. (1986) Crime and the Courts in England 1660-1800. Oxford: Clarendon Press.
- Beccaria, C. (1986) On Crimes and Punishments. Indiana: Hackett.
- Beck, U. (1992) Risk Society- Towards a New Modernity. London: Sage.
- Benson, G. (1937) Flogging: The Law and Practice in England. 2<sup>nd</sup> Revised Edition London: Howard League for Penal Reform.



- Biestek, F. (1963) The Casework Relationship. London: George Allen and Unwin.
- Bindoff, S. (1978) Tudor England. Middlesex: Pelican Books.
- Blagg, H. and Smith, D. (1989) Crime, Penal Policy and Social Work. Harlow: Longman.
- Boateng, P. (1999) Speech to Chief Probation Officers and Chiefs of Probation Committees. London: HMSO.
- Bochel, B. (1976) Probation and After-Care: Its Development in England and Wales. Edinburgh: Scottish Academic Press.
- Boswell, G. Davies, M. and Wright, A. (1993) Contemporary Probation Practice. Aldershot: Avebury.
- Bottoms, A. and McWilliams, W. (1979) 'A Non-Treatment Paradigm for Probation Practice'. British Journal of Social Work 9 (2) 159-202.
- Broad, B. (1991) Punishment Under Pressure: The Probation Service in the Inner City. London: Jessica Kingsley.
- Broad, B. and Denney, D. (1996) 'Users' Rights and the Probation Service: Some Opportunities and Obstacles'. Howard Journal of Criminal Justice 35(1) 61-77.
- Brownlee, I. (1998) Community Punishment: A Critical Introduction. London: Longman.
- Brownlee, L. (1998) 'New Labour- New Penology? Punitive Rhetoric and the Limits of Managerialism in Criminal Justice Policy' Journal of Law and Society 25 (3) 313-335.
- Bulmer, M. (1982) The Uses of Social Research. London: George Allen and Unwin.
- Burgess, R. (Ed) (1982) Field Research: A Sourcebook and Field Manual. London: George Allen & Unwin.
- Burke, L., Crowley, T. and Girvin, A. (Eds) (2000) The Routledge Language and Cultural Theory Reader. London: Routledge.
- Butterworth, J. (1962) Report of the Inquiry into the Work and Pay of Probation Officers and Social Workers. Cmnd 5076 London: HMSO.
- Cameron, J. (1983) Prisons and Punishment in Scotland: from the Middle Ages to the Present. Edinburgh: Canongate.
- Camp, J. (1974) Holloway Prison: The Place and the People. Newton Abbot: David and Charles.

Campbell, B. (1993) Goliath: Britain's Dangerous Places. London: Methuen.

Cambell, D. and Johnson, G. (2000) 'Anansi and the Offending Behaviour Programme' Criminal Justice Matters No. 39 17-18.

Carlen, P (1990) Alternatives to Women's Imprisonment. Milton Keynes: Open University Press.

Carlen, P. (1996) Jigsaw: A Political Criminology of Youth Homelessness. Buckingham: Open University Press.

Carlen, P. (1998) Sledgehammer: Women's Imprisonment at the Millennium. London: Macmillan.

Carlisle Committee (1988) The Parole System of England and Wales: Report of the Review Committee. Cm 532 London: H.M.S.O.

Carrington, B. and Denney, D. (1981) 'Young Rastafarians and the Probation Service' Probation Journal 28(4) 111-117.

Chapman, T. and Hough, M. (1998) Evidence Based Practice: A Guide to Effective Practice. London: HM Inspectorate of Probation.

Clark, J. and Newman, J. (1997) The Managerial State. London: Sage.

Cohen, S. (1<sup>st</sup> March 1979) 'How Can We Balance Justice, Guilt and Tolerance?' New Society 475- 477.

Cohen, S. (15<sup>th</sup> March 1979) 'Community Control- A New Utopia' New Society 609- 611.

Cohen, S. (29<sup>th</sup> March 1979) 'Some Modest and Unrealistic Proposals' New Society 731- 734.

Cohen, S. (1979) 'The Punitive City: Notes on the Dispersal of Social Control' Contemporary Crises 3 339-363.

Coleman, D. (1989) Home Office Review of Probation Training: Final Report. London: Home Office.

Collins English Dictionary (1991) Glasgow: Harper Collins.

Cook, T. (Ed) (1979) Vagrancy: Some new Perspectives. London: Academic Press.

Corden, J. Kuipers, J. and Wilson, K. (1979) After Prison. University of York.

Cornish, W. Hart, J. Manchester A. and Stevenson J. (1978) Crime and Law in Nineteenth Century Britain. Irish University Press.

CRE (1989) Juvenile Cautioning and Ethnic Minorities. London: CRE.



Crime and Disorder Act 1998.

Crime (Sentences) Act 1997.

Criminal Justice Act 1967.

Criminal Justice Act 1982.

Criminal Justice Act 1991.

Criminal Justice Act 1993.

Criminal Justice and Public Order Act 1994.

Cullen, F.T. and Gilbert, K.E. (1982) Reaffirming Rehabilitation. Cincinnati: Anderson Publishing Co.

Currie, E. (1996) Is America Really Winning the War on Crime and Should Britain follow Its Example? NACRO 30th Anniversary Lecture, London: NACRO.

Cutler, T. and Waine, B. (1994) Managing the Welfare State. Oxford: Berg.

De Lacy, M. (1986) Prison Reform in Lancashire 1700-1850: A Study in Local Administration. Manchester: Manchester University Press.

de Vaus, D.A. (1987) Surveys in Social Research. London: George Allen and Unwin.

Denney, D. (1992) Racism and Anti-Racism in Probation. London: Routledge.

Denney, D. (1998a) Social Policy and Social Work. Oxford: Clarendon Press.

Denney, D. (1998b) 'People with Learning Difficulties and Criminal Justice: A Role for the Probation Service'. Probation Journal 35(4) 194-201.

Denney, D. (1998c) 'Anti-racism and the Limits of Equal Opportunities Policy in the Criminal Justice System' in Finer, C. and Nellis, M. (Eds) Crime and Social Exclusion. Oxford: Blackwell Publishers Limited.

Dews, V. and Watts, J. (1994) Review of Probation Officer Recruitment and Qualifying Training. London: Home Office.

Dicey, A.V. (1905) Law and Opinion in England. Macmillan.

Dobash, R. Dobash, R. and Gutteridge, S. (1986) The Imprisonment of Women. Oxford: Basil Blackwell.

Dominelli, L. (1997) Anti Racist Social Work. Second Edition London: Macmillan.

- Dominelli, L. Jeffers, L. Jones, G. Sibandan, G. and Williams, B. (1995) Anti-Racist Probation Practice. Aldershot: Avebury.
- Drakeford, M, and Vanstone, M (Eds) (1996) Beyond Offending Behaviour. Aldershot: Ashgate.
- Dunbar, I. And Langdon, A. (1998) Tough Justice: Sentencing and Penal Policies in the 1990's. London: Blackstone Press Ltd.
- Edwards, S. (1984) Women on Trial. Manchester University Press.
- Elton, G. (1985) Policing and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell. Cambridge: Cambridge University Press.
- Emsley, C. (1996) Crime and Society in England 1750-1900. 2nd Edition. London: Longman.
- Ever, H. A. Hardiker, P. Littlewood. J. and Mullender, A. (1992) Applied Research for Better Practice. Basingstoke: Macmillan.
- Fairclough, N. (1989) Language and Power. Harlow: Longman Group Limited.
- Fairclough, N. (1992) Discourse on Social Change. Cambridge: Polity Press.
- Faulkner, D. (1971) 'The Redevelopment of Holloway Prison' The Howard Journal of Penology and Crime Prevention 122-132.
- Faulkner, D. (1995) 'The Criminal Justice Act 1991: Policy, Legislation and Practice' in Ward, D. and Lacey, M. Probation, Working for Justice. London: Whiting and Birch.
- Fawcett, B. Featherstone, B. Hearn, J. and Toft, C. (Eds) (1996) Violence and Gender Relations: Theories and Interventions. London: Sage.
- Feeley, M. and Simon, J. (1992) 'The New Penology: Notes on the Emerging Strategy of Corrections and its Implications' Criminology 30 (4) 449- 474.
- Feeley, M. and Simon, J. (1994) 'Actuarial Justice: The Emerging New Criminal Law'. in Nelken, D. (Ed) The Futures of Criminology. London: Sage.
- Feldman, M. (1995) Strategies for Interpreting Qualitative Data. London: Sage.
- Fielding, N. (1984) Probation Practice: Client Support under Social Control. Aldershot: Gower.
- Fitzgerald, M (1993) The Royal Commission on Criminal Justice: Ethnic Minorities and the Criminal Justice System. Research Study No. 20 London: H.M.S.O.



Folkard, M. Smith, D. and Smith, D. (1974) Intensive Matched Probation and After-Care Treatment (IMPACT) Volume 1 Home Office Research Study 24 London: HMSO.

Ford, Foley and Petri (1995) Research on a Human Scale. School of Social Policy: Middlesex University.

Ford, P. Pritchard, C. and Cox, M. (1997) 'Consumer Opinions of the Probation Service: Advice, Assistance, Befriending and the Reduction of Crime'. Howard Journal of Criminal Justice. 36(1) 42-61.

Foren, R. and Bailey, R. (1968) Authority in Social Casework. Oxford: Pergamon Press.

Forsythe, W.J. (1987) The Reform of Prisoners 1830-1900. London: Croom Helm.

Foucault, M. (1977) Discipline and Punish. Middlesex: Penguin Books Limited.

Fowler, R. (1988) 'Notes on Critical Linguistics' in Steele, R. and Threadgold, T. (Eds) Language Topics. Volume 2 Amsterdam: Benjamins.

Fuller, R., and Petch, A. Practitioner Research: The Reflexive Social Worker. Buckingham: Open University Press.

Gallo, E. and Ruggiero, V. (August 1991) 'The Immaterial Prison'. International Journal of the Sociology of Law. 273-291.

Garland, D. (1985) Punishment and Welfare: A History of Penal Strategies. Aldershot: Gower.

Garland, D. (1990) Punishment and Modern Society. Oxford: Clarendon Press.

Garland, D. (2000) 'The Culture of High Crime Societies: Some Preconditions of Recent 'Law and Order' Policies' British Journal of Criminology 40 (3) 347- 375.

Gatrell, V. (1994) The Hanging Tree: Execution and the English People 1770- 1868. Oxford: Oxford University Press.

Genders, E. and Player, E. (1989) Race Relations in Prisons. Oxford: Clarendon Press.

Gibbs, A. (2000) 'Probation Service Users: To Empower or to Exclude' Criminal Justice Matters No.39 16-17.

Giddens, A. (1994) 'Living in a Post- Traditional Society' in Beck, G. Giddens, A. and Lash, S. Reflexive Modernization- Politics, Tradition and Aesthetics in the Modern Social Order. Cambridge: Polity Press.

Goldblatt, P. and Lewis, C. (1998) Reducing Offending: An Assessment of Research Evidence on Ways of Dealing with Offending Behaviour. Home Office Research Study 187 London: Home Office.

Goode, E. and Ben-Yehuda, N (1994) Moral Panics: The Social Construction of Deviance. Oxford: Blackwell.

Goodman, A. (1987) Probation Intervention with Prisoners During and After Their Sentence (Through-Care and After-Care). An Analysis of Service Delivery to Prisoners and Ex-Prisoners from Both Field Units and the Specialist Liaison Schemes with I.L.P.S. I.L.P.S. Benevolent and Educational Trust.

Goodman, A. (Winter 1998/9) 'The Future of Probation' Criminal Justice Matters 34 Winter 28-9.

Goodman, A. (1990) 'State Care or Contempt' Social Work Today. 20-21 4 Jan 1990.

Goodman, A (1995) 'The Criminal Justice and Public Order Act 1994' Capital and Class 56 Summer 9-13.

Gordon, D. (1994) The Return of the Dangerous Classes: Drug Prohibition and Policy Politics. London: W. W. Norton.

Greimas, A (1987) On Meaning: Selected Writings in Semiotic Theory. London: Frances Pinter (Publishers) Ltd.

Grundy, S. (1996) 'Towards Empowering Leadership: The Importance of Imagining' in Zuber-Skerritt, O. (Ed) New Directions in Action Research. London: The Falmer Press.

The Guardian. (21<sup>st</sup> August 2000) Postcode Sentencing: Computers Cannot Deliver Justice. Editorial.

Hagell, A. and Newburn, T. (1994) Persistent Young Offenders. London: P.S.I.

Haines, K. and Drakeford M. (1998) Young People and Youth Justice. London: Macmillan Press.

Hammond, W. and Chayen, E. (1963) Persistent Criminals: A Study of All Offenders Liable to Preventative Detention in 1956. Home Office Research Unit Report London: H.M.S.O.

Hardiker, P. (1977) Social Work Ideologies in the Probation Service British Journal of Social Work. 7(2) 131-154.

Harding, J. (2000a) The Probation Service in the 21<sup>st</sup> Century Criminal Justice Matters 38 27-28.



- Harding, J. (2000b) 'A Community Justice Dimension to Effective Probation Practice' Howard Journal of Criminal Justice 39 (2) 132- 149.
- Harris, R. (1989) 'Social Work in Society or Punishment in the Community'? in Shaw, R and Haines, K. (Eds) The Criminal Justice System: A Central Role for the Probation Service. University of Cambridge, Institute of Criminology.
- Harris, R. (1992) Crime, Criminal Justice and the Probation Service. London: Routledge.
- Harris, R. (1996) 'Telling Tales: Probation in the Contemporary Formation' in Parton, N. (Ed) Social Theory, Social Change and Social Work. London: Routledge.
- Harris, R. and Webb, D. (1987) Welfare, Power and Juvenile Justice. London: Tavistock.
- Hawkes, T. (1997) Structuralism and Semiotics. London: Methuen and Company Limited.
- Haxby, D. (1978) Probation: A Changing Service. London: Constable.
- Hedderman, C. and Hough, M. (2000) 'Tightening Up Probation: A Step Too Far?' Criminal Justice Matters 39 5.
- Heidensohn, F. (1985) Women and Crime. London: Macmillan.
- Hinde, R.S.E. (1951) The British Penal System 1773-1950. London: Duckworth and Co. Ltd.
- H.M Chief Inspector of Prisons (1992) Report on H.M Prison Holloway London: Home Office.
- H.M Chief Inspector of Prisons (1997) Women in Prison: A Thematic Review London: Home Office.
- HM Inspectorate of Probation (1993a) The Criminal Justice Act 1991 Inspection London: Home Office.
- HM Inspectorate of Probation (1993b) Annual Report: 1992-93 London: Home Office.
- HM Inspectorate of Probation (1993c) Offenders Who Misuse Drugs: The Probation Service Response. Report of a Thematic Inspection London: Home Office.
- HM Inspectorate of Probation (1994) Automatic Conditional Release The Probation Service Response: Report of a Thematic Inspection London: Home Office.
- HM Inspectorate of Probation (1994) The Quality and Provision of Expedited Pre-sentence Reports Prepared for the Crown Court by the Probation Service: Summary report London:

Home Office.

HM Inspectorate of Probation (1994) Young Offenders And the Probation Service: Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1994) Young Offenders And the Probation Service: Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1995) Inner London Probation Service: Quality & Effectiveness Inspection Report No.14 London: Home Office.

HM Inspectorate of Probation (1995) Middlesex Probation Service: Quality & Effectiveness Inspection Report No.15 London: Home Office.

HM Inspectorate of Probation (1995) Probation Orders with Additional Requirements: Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1996) Probation Services Working In Partnership: Increasing Impact and Value for Money. Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1996) Probation Services Working in Partnership: Increasing Impact and Value for Money. Report Of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1996) The Work of Prison Probation Departments: Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1997) Community Service: A Report of an Inspection of Probation Services' Compliance with the National Standard London: Home Office.

HM Inspectorate of Probation (1997) Family Court Welfare Work: Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1997) Greater Manchester Probation Service: Quality & Effectiveness Inspection No.35 London: Home Office.

HM Inspectorate of Probation (1997) Hampshire Probation Service: Quality & Effectiveness Inspection No.37 London: Home Office.

HM Inspectorate of Probation (1997) Mid Glamorgan Probation Service: Quality & Effectiveness Inspection No.38 London: Home Office.

HM Inspectorate of Probation (1997) South West London Probation Service: Quality & Effectiveness Inspection No.30 London: Home Office.

HM Inspectorate of Probation (1997) Tackling Drugs Together: Report of a Thematic Inspection on the work of the Probation Service with Drug Misusers London: Home Office.



HM Inspectorate of Probation (1997) The Work of the Probation Service in the Crown and Magistrates' Courts: Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1997) Annual Report London: Home Office.

HM Inspectorate of Probation (1998) Annual Report London: Home Office.

HM Inspectorate of Probation (1998) Berkshire Probation Service: Quality & Effectiveness Inspection No.45 London: Home Office.

HM Inspectorate of Probation (1998) Delivering an Enhanced Level of Community Supervision: Report of a Thematic Inspection on the work of Approved Probation and Bail Hostels London: Home Office.

HM Inspectorate of Probation (1998) Exercising Constant Vigilance: The Role Of the Probation Service in Protecting the public from Sex Offenders. Report of a Thematic Inspection London: Home Office.

HM Inspectorate of Probation (1998) Gloucestershire Probation Service: Quality & Effectiveness Inspection No.41 London: Home Office.

HM Inspectorate of Probation (1998) Inner London Probation Service: Followup to the Quality & Effectiveness Inspection No.14 Inspection London: Home Office.

HM Inspectorate of Probation (1999) Offender Assessment and Supervision Planning: Helping to Achieve Effective Intervention With Offenders. Report of a Developmental Thematic Inspection Undertaken in Collaboration with 46 Probation Services London: Home Office.

HM Inspectorate of Probation (2000) Towards Race Equality London: Home Office.

HM Inspectorate of Prisons for England and Wales (May 1997) Women in Prison: A Thematic Review by HM Chief Inspector of Prisons London: Home Office.

Hobhouse, S. and Brockway, A. (1922) English Prisons Today, Longmans and Co.

Holborn, J. (1975) 'Casework with Short- Term Prisoners' in Some Male Officers' Problems, Home Office Research Unit Report 28 London: HMSO.

Holmes, T. (1900) Pictures and Problems from London Police Courts, London: Thomas Nelson and Sons.

Home Affairs Committee (28 July 1998) Alternatives to Prison Sentences Third Report Volumes I and II London: The Stationery Office.

Home Department (February 1959) Penal Practice in a Changing Society: Aspects of Future Development (England and Wales) Cmnd 645 London: H.M.S.O.

Home Office (June 1953) Report of the Committee on Discharged Prisoners' Aid Societies Cmnd 8879 London: H.M.S.O.

Home Office (March 1962) Report of the Departmental Committee on the Probation Service. Cmnd 1650 London: H.M.S.O.

Home Office (1963) The Organisation of After-Care. (Barry report) London: H.M.S.O.

Home Office (December 1965) The Adult Offender Cmnd 2852 London: H.M.S.O.

Home Office (1966) Residential Provision for Homeless Discharged Offenders: Report of the working Party on the Place of Voluntary Service in After-Care London: H.M.S.O.

Home Office Research Unit Report (1966) Probation Research: A Preliminary Report 7 London: H.M.S.O.

Home Office (1967) The Place of Voluntary Service in After-Care: Second Report of the Working Party London: H.M.S.O.

Home Office (1968) The Regime for Long-Term Prisoners in Conditions of Maximum Security: Report of the Advisory Council on the Penal System London: H.M.S.O.

Home Office (1968) The Rehabilitation of Drug Addicts: Report of the Advisory Committee on Drug Dependence London: H.M.S.O.

Home Office (1970) Non-Custodial and Semi-Custodial Penalties: Report of the Advisory Council on the Penal System London: H.M.S.O.

Home Office (1971) Habitual Drunken Offenders: Report of the Working Party London: H.M.S.O.

Home Office (1999) What Works: Reducing Re-Offending Evidence Based Practice. London: H.M.S.O.

Home Office (1999) Diploma in Probation Studies. London: H.M.S.O.

Home Office (December 1978) Youth Custody and Supervision: A New Sentence (Green Paper) London: H.M.S.O.

Home Office (1984) Probation Service in England and Wales. Statement of National Objectives and Priorities. London: H.M.S.O.

Home Office (February 1990) Crime, Justice and Protecting the Public. The Government's Proposals for Legislation. Cm 965 London: H.M.S.O.

Home Office (February 1990) Supervision & Punishment in the Community. A Framework for Action. Cm 966 London: H.M.S.O.



Home Office (April 1990) Partnership in Dealing with Offenders in the Community. A Discussion Paper Issued by the Home Office to Complement the White Paper "Crime, Justice and Protecting the Public" (Cm 965) and the Green Paper "Supervision and Punishment in the Community: A Framework for Action". (Cm 966) London: Home Office.

Home Office (Feb 1990) Supervision and Punishment in the Community: A Framework for Action London: H.M.S.O.

Home Office (1991 - although undated) Organising Supervision and Punishment in the Community: A Decision Document London: Home Office.

Home Office (1992) A Quick Reference Guide to the Criminal Justice Act 1991. London: Home Office Probation Service Division.

Home Office (1992) National Standards for the Supervision of Offenders in the Community. London: Home Office.

Home Office (1995) National Standards for the Supervision of Offenders in the Community. London: Home Office.

Home Office (2000) National Standards for the Supervision of Offenders in the Community London: Home Office.

Home Office (March 1995) Strengthening Punishment in the Community. A Consultation Document. Cm 2780 London: H.M.S.O.

Home Office (December 1997) Race and the Criminal Justice System London: Home Office.

Home Office Research Study (1998) Reducing Offending: An Assessment of Research Evidence on Ways of Dealing With Offending Behaviour 187 London: Home Office.

Home Office (August 1998) Joining forces to Protect the Public. Prisons-Probation: A Consultation Document London: Home Office.

Hood, R. (1992) Race and Sentencing. Oxford: Clarendon Press.

House of Commons Official Report: Parliamentary Debates. (Wednesday 6 December 1995) (Probation) (Amendment) Rules 1995 (S.I.1995, No 2622 First Standing committee on Delegated Legislation London: H.M.S.O.

House of Commons Employment Committee (Session 1991-92) Employment in Prisons and for Ex-offenders London: H.M.S.O.

House of Lords (1995) Select Committee Report. Probation Officers: Qualifications 923-949 476 LD12 – PAG1/22-489 LD12-PAG1/35 London: H.M.S.O.

- Howard, D.L. (1960) The English Prisons: Their Past and Future, London: Methuen.
- Howard, J. (1929) The State of the Prisons, London: J.M. Dent and Sons Ltd.
- Ignatieff, M. (1978) A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850, London: Macmillan.
- I.L.P.A.S. (1976) A Report to Commemorate the Centenary of Probation in London.
- I.L.P.S. (1974) Developments in Prison Welfare in the Islington Region.
- I.L.P.S. (1974) Report of the Working Party on the Role of the Probation and After-Care Service in the London Prisons.
- I.L.P.S. (1977) Attitudes to Prison Welfare Work, Survey of Islington Probation Officers.
- I.L.P.S. (1978) The Professional Task of the Service - Report of the Working Party.
- I.L.P.S. (1982) N.E. Division Report on Divisional Review into Through- and After-Care.
- I.L.P.S. (1983) Supervision of Parole, Report of the Southwark Parole Project.
- I.L.P.S. (1983) Survey of Social Enquiry Reports.
- I.L.P.S. (1984) Report of Review on Voluntary Through- and After-Care, S.E. Division.
- I.L.P.S. (1984) Statement of Aims and Objectives.
- I.L.P.S. (1986) Implementation of I.L.P.S. Statement of Aims and Objectives in South of Thames Field Services Division.
- I.L.P.S. (1986) The Professional Task of the Prison Probation Officer.
- I.L.P.S. (1987) Review of Civil Work.
- I.L.P.S. (1987) Statement of Aims and Objectives including the Corporate Strategy.
- I.L.P.S. (1987) The Sherborne House Day Centre Activity Programme for Young Offenders.
- I.L.P.S. (July 1988) Review of Through-Care.
- I.L.P.S. (March 1989) Tackling Offending: An Action Plan.
- I.L.P.S. (May 1989) Inspection of Probation Supervision.



Ignatieff, M. (1978) A Just Measure of Pain. London: Macmillan.

IMPACT: The Results of the Experiment Volume 2 Home Office Research Study 36  
London: Home Office.

Inglebury Report (1960) Report of the Committee on Children and Young Persons.  
Cmnd 1191 London: HMSO.

James, A. (1995) 'Probation Values for the 1990's - and Beyond?' Howard Journal of Criminal Justice 34(4) 326-343.

James, A. & Raine, J (1998) The New Politics of Criminal Justice London: Longman.

Jarvis, F.V. (1967) 'The Prison Welfare Service' N.A.P.O. Journal 13(1)

Jarvis, F.V. (1972) Advise, Assist and Befriend. A History of the Probation and After-Care Service. London: National Association of Probation Officers.

Jeffers, S (1995) Black and Ethnic Minority Offenders' Experience of the Probation Service London: ILPS.

Jepson, N. and Elliot, K. (1985) Shared Working Between Prison and Probation Officers. London: Home Office.

Jupp, V. (1989) Methods of Criminological Research. London: Unwin Hyman.

Kamenka, E. (1979) 'What is Justice?' in Kamenka, E. and Tay, A. (Eds) Justice: Ideas and Ideologies London: Edward Arnold.

Kane, E. (1991) Doing Your Own Research. London: Marion Boyars.

Kelling, G. and Coles, C. (1996) Fixing Broken Windows New York: The Free Press.

Kemshall, H. (1997) 'Offender Risk and Probation Practice' in Kemshall, H., and Pritchard, J. (Eds) Good Practice in Risk Assessment and risk Management. London: Jessica Kingsley Publishers.

Kemshall, H (1998) Risk In Probation Practice. Aldershot: Ashgate.

Kemshall, H, and Pritchard, J (1997) Good Practise in Risk Assessment and Risk Management 2: Protection, Rights and Responsibilities. London: Jessica Kingsley Publishers.

King, J. (1964) The Probation Service. 2nd Edition London: Butterworths.

King, J. (1969) The Probation and After-Care Service. London: Butterworths.

Krausz, E. and Miller, S. (1974) Social Research Design. London: Longman.

Lacey, N. (1998) Image and Representation: Key Concepts in Media Studies. Basingstoke: Macmillan Press Limited.

Land, H. (1975) 'Detention Centres: The Experiment Which Could Not Fail'. in Hall, P. Lord, H. Parker, R. and Webb, A. Change, Choice and Conflict in Social Policy. London: Heinemann.

Lavalette, M. and Pratt, A. (Eds) (1997) Social Policy: A Conceptual and Theoretical Introduction. London: Sage.

Lea, J. (1999) 'Social Crime Revisited' Theoretical Criminology 3(3) 307-325.

Leach, T. (2000) 'Effective Practice: Some Possible Pitfalls' Vista 5 (2) 141- 149.

Lewis, P. (2000) 'Evidence- Based Management: The Challenge of Effective Practice' Vista 5 (1) 23- 36.

Lloyd, C. (1986) Response to SNOP. University of Cambridge: Institute of Criminology.

Lyon, J. Dennison, C. and Wilson, A. (2000) Tell Them So They Listen: Messages From Young People in Custody. Home Office Research Study 201 London: HMSO.

Maguire, M. Raynor, P. Vanstone, M. and Kynch, J. (2000) 'Voluntary After- Care and the Probation Service: A Case of Diminishing Responsibilities' Howard Journal of Criminal Justice 39 (3) 234- 248.

Mair, G. (1997a) 'Community Penalties and the Probation Service' in Maguire, M. Morgan, R. and Reiner, R. (Eds) The Oxford Handbook of Criminology. Second edition Oxford: Clarendon Press.

Mair, G. (Ed) (1997b) Evaluating the Effectiveness of Community Penalties. Aldershot: Avebury.

Mair, G. (1991) What Works- Nothing or Everything? Home Office Research Bulletin 30 3-8.

Marshall, T. and Merry, S. (1990) Crime and Accountability. London: HMSO.

Martin, B. (1995) The Search for Gold. Dublin: Philomel Productions Ltd..

Martin, B. and Ringham, F. (2000) Dictionary of Semiotics. London: Cassell

Martinson, R. (1974) 'What Works? -Questions and Answers About Prison Reform'. The Public Interest. 35 22-54.

Martinson, R. (1979) 'New Findings, New Views: A Note of Caution Regarding Sentencing Reform'. Hofstra Law Review (7)2 243-258.



Mason, J. (1996) Qualitative Researching. London: Sage.

Massarik, F. (1994) 'The Interviewing Process Re-examined' in Reason, P. And Rowan, J. (Eds) Human Enquiry: A Sourcebook of New Paradigm Research. Chichester: John Wiley and Sons.

Matthews, R. (1999) Doing Time: An Introduction to the Sociology of Imprisonment. Basingstoke: Macmillan.

May, C. (1990) The National Probation Survey. Research and Planning Paper 72 London: Home Office.

May, T. (1991) Probation: Politics, Policy and Practice. Milton Keynes: Open University Press.

May, T. (1993) Social Research: Issues, Methods and Process. Buckingham: Open University Press.

May, T. (1995) 'Probation and Community Sanctions' in Maguire, M., Morgan, R., and Reiner, R. (Eds) The Oxford Handbook in Criminology. Oxford: Clarendon Press.

May, T. and Vass, A. (Eds) (1996) Working with Offenders. London: Sage.

Mayhew, H. and Binny, J. (1971) The Criminal Prisons of London and Scenes of Prison Life. London: Frank Cass and Co. Ltd.

McAllister, D. Bottomley, K and Leibling, A. (1992) From Custody to Community: Through- Care for From Custody to Community: Through- Care for Young Offenders. Aldershot: Avesbury.

McClelland, M. (August 2000) 'Who Knows Where the Time Goes?' NAPO News Issue 122 4.

McConville, S. (1981) A History of English Prison Administration 1750-1877. London: Routledge and Kegan Paul.

McGowan, R. (2000) 'Revisiting the Hanging Tree: Gatrell on Emotion and History' British Journal of Criminology 40 (1) 1- 13.

McGuire, J (Ed) (1995) What Works: Reducing Reoffending. Chichester: John Wiley.

McNay, L. (1994) Foucault: A Critical Introduction. Cambridge: Polity.

McNeil P. (1985) Research Methods. London: Tavistock.

McWilliams, B. (1983) 'The Mission to the English Police Courts 1876-1936' Howard Journal of Criminal Justice 22 129-147.

- McWilliams, B (1985) 'The Mission Transformed: Professionalization of Probation between the Wars' Howard Journal of Criminal Justice 24(4) 257-274.
- McWilliams, B. (1986) 'The English Probation System and the Diagnostic Ideal' Howard Journal of Criminal Justice 25(4) 241-260.
- McWilliams, B. (1987) 'Probation, Pragmatism and Policy' Howard Journal of Criminal Justice 26(2) 97-121.
- McWilliams, B. (1992) 'The Rise and Development of Management Thought in the English Probation System' in Statham, R., and Whitehead, P. (Eds) Managing the Probation Service: Issues for the 1990's. Harlow: Longman.
- Melossi, D. and Pavarini (1981) The Prison and the Factory: Origins of the Penitentiary System. London: Macmillan.
- Miller, J. and Glassner, B. (1997) 'The 'Inside' and the 'Outside': Finding Realities in Interviews' in Silverman, D. (Ed) Qualitative Research: Theory, Method and Practice. London: Sage.
- Mishler, E. (1991) Research Interviewing: Context and Narrative. Cambridge Mass.: Harvard University Press.
- Monger, M. (1967) Casework in After-Care. London: Butterworths.
- Monger, M. (1972) Casework in Probation. London: Butterworths.
- Mooney, J. (2000) Gender, Violence and the Social Order. Basingstoke: Macmillan.
- Morgan, W. (1997) 'Dyslexia: Combatting Ignorance' Probation Journal 44(3) 132-138.
- Morris, A (1987) Women, Crime and Criminal Justice. Oxford: Blackwell.
- Morris, T. (1999) 'What's All This About Punishment?' Howard League Magazine 17 (1) 6-8.
- Morris, A. Giller, H. Szwed, E. and Geach, H. (1980) Justice for Children? London: The Macmillan Press Limited.
- Muncie, J (1999) Youth and Crime: A Critical Introduction. London: Sage.
- Murphy, M. (1977) Attitudes to Prison Welfare Work: Islington Survey of Probation Officers. June '77 I.L.P.S.
- N.A.C.R.O. (1991) Black People's Experiences of Criminal Justice. London: N.A.C.R.O.
- N.A.C.R.O. (1991) A Fresh Start for Women Prisoners. London: N.A.C.R.O.



- N.A.P.O. (1968) Social Work in Prison. London Branch: N.A.P.O.
- N.A.P.O. (1984) Probation, Direction, Innovation and Change in the 1980's.
- N.A.P.O. (1986) Community Based Through-Care, the Case for Withdrawal of Seconded Officers from Prison.
- N.A.P.O. (Undated but pre-1994) C.J.A. 1991 and National Standards: Limiting the Damage.
- N.A.P.O. News (June 2000) Peers Oppose Benefits Suspension, Issue 120 1.
- N.A.P.O. News (July 2000) 'Legislation- Lords Victory!' Issue 121 1- 4.
- Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackstone Press Limited.
- National Audit Office (17 May 1989) Home Office: Control and Management of Probation Services in England and Wales. Report by the Comptroller and Auditor General London: H.M.S.O.
- Nelken, D. (Ed) (1994) The Future of Criminology. London: Sage.
- Nellis, M. (1995) 'Probation Values for the 1990's'. Howard Journal of Criminal Justice. 34(1) 19-44.
- Neuman, W. (1994) Social Research Methods. Boston: Allyn and Bacon.
- Nuttall, P. and Lewis, C. (1998) Reducing Offending: An Assessment of Research Evidence on Ways of Dealing with Offending Behaviour. Home Office Research Study 187 London: Home Office.
- Oldfield, M. (1<sup>st</sup> July 1999) Letter to probation-practice@mailbase.ac.uk.
- Omand, D. (October 1998) 'At the Helm in the Home Office' Probation 6- 7 London: ILPS.
- Page, M. (1992) Crime Fighters of London. I.L.P.S. Benevolent and Educational Trust.
- Page, R. (1973) Down among the Dossers. London: Davis Poynter.
- Parry- Khan, L. (1988) Management by Objectives in Probation. Social Work Monographs Norwich: University of East Anglia.
- Parton, N. (Ed) (1996) Social Theory, Social Change and Social Work. London: Routledge.
- Parton, N. (2000) 'Some Thoughts on the Relationship Between Theory and Practice in and for Social Work' British Journal of Social Work 30 (4) 449-464.

Paterson, Sir A. (1951) Paterson on Prisons. Frederick Muller.

Paylor, I. (1995) Housing Needs for Ex- Offenders. Aldershot: Avebury.

Pitts, J. (1988) The Politics of Juvenile Crime. London: Sage.

Pitts, J. (1992) 'The End of an Era' Howard Journal of Criminal Justice 31 133-149.

Pitts, J (2000) 'New Youth Justice, New Youth Crime' Criminal Justice Matters 38 24-25.

Polsky, N. (1997) Hustlers, Beats and Others. Harmondsworth: Penguin.

Pound, J. (1986) Poverty and Vagrancy in Tudor Britain. Longman.

Powers of Criminal Courts Act 1973.

Probation Circular PC 22/99: Key Performance Indicators (KPI's) and Targets for 1999-2000. London; Home Office.

Probation Circular 24/00 Guidance on Enforcement of Orders Under National Standards 2000. London: Home Office.

Pugh, R. (1968) Imprisonment in Medieval England. Cambridge: University Press.

Punch, M. (1979) 'Observation and the Police: The Research Experiment' in Hammerslam, M. (Ed) Social Research: Philosophy, Politics and Practice. London: Sage.

Race and the Criminal Justice System: A Home Office Publication Under section 95 of the Criminal Justice Act 1991 (December 1997) London: Home Office.

Raine, J. and Willson, M. (1993) Managing Criminal Justice. London: Harvester Wheatsheaf.

Raynor, P, Smith, D, and Vanstone, M (1994) Effective Probation Practise. London: Macmillan.

Report of the Advisory Council on the Treatment of Offenders (Barry Report) (1963) The Organisation of After-care. London: H.M.S.O.

Rex, S. (1999) 'Disistence from Offending: Experiences of Probation' Howard Journal of Criminal Justice. 38 (4) 366-383.

Riley, J. (1996) Getting the Most From Your Data. Bristol: Technical and Educational Services Ltd.

Roberts, J. and Domurad, F. (1995) 'Re-Engineering Probation: Lessons from New York City'. Vista 1(1) 59-68.



Roberts, C. Burnett, R. Kirby, A. and Hamill, H. (1996) A System for Evaluating Probation Practice. PSU Report No. 1 University of Oxford Probation Studies Unit, Centre for Criminological Research.

Robson, C. (1993) Real World Research. Oxford: Blackwell.

Rock, P. (1996) Reconstructing A Women's Prison: The Holloway Redevelopment Project 1968-88. Oxford: Clarendon Press.

Rough Sleepers Unit (December 1999) Coming in from the Cold: The Government's Strategy on Rough Sleeping. London: RSU Department of the Environment, Transport and the Regions.

Ross, R. Fabiano, E. and Ewles, C. (1988) 'Reasoning and Rehabilitation' International Journal of Offender Therapy and Comparative Criminology. 32 29-35.

Ruggiero, V. Ryan, M. and Sim, J. (Eds) (1995) Western European Penal Systems: A Critical Anatomy. London: Sage.

Ruggiero, V, South, N, and Taylor, I. (Eds) (1998) The New European Criminology: Crime and Social Order in Europe. London: Routledge.

Rusche, G. and Kirchheimer, O. (1968) Punishment and Social Structure. New York: Russell and Russell.

Rutherford, A. (1993) Criminal Justice and the Pursuit of Decency. Oxford: Oxford University Press.

Ryan, M. (1999) 'Criminology Re-engages the Public Voice' Criminal Justice Matters 34 11-12.

Ryan, M. and Sim, J. (1998) 'Power, Punishment and Prisons in England and Wales 1975- 1996'. in Weiss, R. and South, N. (Eds) Comparing Prison Systems. Amsterdam: Gordon and Brench Publishers.

Ryan, M. and Ward, T. (1989) Privatisation and the Penal System. Milton Keynes: Open University Press.

Schön, D. (1991) The Reflective Practitioner: How Professionals Think in Action. Aldershot: Arena Ashgate Publishing Limited.

Scull, A. (1977) Decarceration: Community Treatment and the Deviant –A Radical View. Cambridge: Polity.

Senior, P. (2000) 'Fact and Fiction: Another Perspective on Probation Training' Criminal Justice Matters 40 17-18.

Sharpe, J. (1984) Crime in Early Modern England 1550-1750. London: Longman.

Sharpe, J. (1990) Judicial Punishment in England. London: Faber and Faber.

Shallice, A. and Gordon, P. (1990) Black People, White Justice? Race and the Criminal Justice System. London: Runnymede Trust.

Shaw, A. (1998) Convicts and the Colonies. A Study of Penal Transportation from Great Britain & Ireland to Australia & Other Parts of the British Empire. The Irish Historical Press Ltd.

Silberman, M. and Chapman, B. (1971) 'After-Care Units in London, Liverpool and Manchester' in Explorations in After-Care. Home Office Research Unit Report 9.

Silverman, D. (1997) 'Towards an Aesthetics of Research' in Silverman, D. (Ed) Qualitative Research: Theory, Method, and Practice. London: Sage.

Simon, J. (1993) Poor Discipline: Parole and the Social Control of the Underclass 1890-1990. Chicago: The University of Chicago Press.

Skellington, R (1996) 'Race' In Britain Today: Second Edition. London: Sage.

Sleightholm, D. (1998) 'Optimistic View of the Future by New Deputy Chief' Probation London: ILPS 12.

Smith, D. (1995) Criminology for Social Work. London: Macmillan.

Smith, D. (2000a) 'The Logic of Practice in the Probation Service Today' Vista 5 (3) 210- 218.

Smith, D. (2000b) What Works as Evidence for Practice? The Methodological Repertoire in an Applied Discipline. [www.nisw.org.uk/tswr/smith.html](http://www.nisw.org.uk/tswr/smith.html).

Smith, D. and Stewart, J. (1998) 'Probation and Social Exclusion' in (Eds) Finer, C. and Nellis, M. Crime and Social Exclusion. Oxford: Blackwell Publishers Limited.

Spencer, J. (1995) 'A Response to Mike Nellis: Probation Values for the 1990's'. Howard Journal of Criminal Justice 34(4) 344-349.

Spradley, J. (1980) Participant Observation. New York: Holt, Rinehart and Winston.

Statham, R. (1992) 'Towards Managing the Probation Service'. in Statham, R. and Whitehead, P. (Eds) Managing the Probation Service: Issues for the 1990's. Essex: Longman.

Stedman Jones, G. (1971) Outcast London: A Study in the Relationships Between Classes in Victorian Society. Middlesex: Penguin Books.

Stewart, J. (1975) Of No Fixed Abode: Vagrancy and the Welfare State Manchester: Manchester University Press.



- Stewart, G. and Stewart, J. (1993) Social Circumstances of Younger Offenders Under Supervision. London: A.C.O.P.
- Stewart, J. Smith, D. Stewart, G. and Fullwood, C. (1994) Understanding Offending Behaviour. Harlow: Longman.
- Straw, J. (May 1999) 'Speech to Chief Probation Officer' NAPO News London: NAPO.
- Swaaningen, R. van (1997) Critical Criminology: Visions from Europe. London: Sage.
- Taylor, I. Walton, P. and Young, J. (1973) The New Criminology. London: Routledge Kegan Paul.
- Thompson, N. (1997) Anti-Discriminatory Practise. 2nd Edition London: Macmillan.
- Tomlinson, M.H. (1981) 'Penal Servitude 1846-1865: A System in Evolution' in Bailey, V. (Ed) Policing and Punishment in Nineteenth Century Britain. London: Croom Helm.
- Tutt, N. (4<sup>th</sup> October 1979) 'There Must be a Better Way' Community Care 20.
- Underdown, A. (1998) Report of the HMIP What Works Project: Strategies for Effective Offender Supervision. London: Home Office.
- Vanstone, M. (1995) 'Ethics in Social Work' Vista 1(1) 49-58.
- Vanstone, M. (2000) 'Cognitive- Behavioural Work with Offenders in the U.K.: A History of Influential Endeavour' Howard Journal of Criminal Justice 39 (2) 171-183.
- Vass, A. (1984) Sentenced to Labour. St Ives Venus Academica.
- Vass, A. (1990) Alternatives to Prison: Punishment, Custody and the Community. London: Sage.
- Vass, A. (1996) Community Penalties: The Politics of Punishment. in (Eds) May, T., and Vass, A. Working with Offenders: Issues, Contexts and Outcomes. London: Sage.
- Wade, S. (2000) 'The Probation Service and Managerialism' Criminal Justice Matters 40 15-16.
- Walker, H. and Beaumont, B. (1981) Probation Work: Critical Theory and Socialist Practice. Oxford: Basil Blackwell.
- Walker, H. and Beaumont, B. (1985) Working with Offenders. London: Macmillan.

- Walklate, S. (1995) Gender and Crime: An Introduction. Hertfordshire: Prentice Hall.
- Walton, P. and Young, J. (Eds) (1998) The New Criminology Revisited. Basingstoke: Macmillan.
- Ward, D. (1995) 'Finding the Balance'. in Ward, D., and Lacey, M. (Eds) Probation: Working for Justice. London: Whiting and Birch.
- Webb, S. and Webb, B. (1910) English Poor Law Policy. Longmans.
- Webb, S. and Webb, B. (1963) English Prisons Under Local Government. English Local Government Vol. 6 London Frank Cass and Co.Ltd.
- Weber, M. (1948) From Max Weber: Essays in Sociology. (Translated, edited and with an introduction by Garth, H. & Wright Mills, C.) London: Routledge & Kegan Paul Ltd.
- Weinberger, B. (1981) 'The Police and the Public in Mid Nineteenth Century Warwickshire' in Bailey, V. (Ed) Policing and Punishment in 19<sup>th</sup> Century Britain. London: Groom Helin Limited.
- Wengraf, T. (1994) Semi-Structured Depth Interviewing: A Conceptual and Practical Guide. Volumes One and Two. Middlesex University.
- Wiener, M. (1994) Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914. Cambridge: Cambridge University Press.
- Williams, B. (1991) Work with Prisoners. Birmingham: Venture Press.
- Williams, B. (Ed) (1995) Probation Values. Birmingham: Venture Press.
- Williams, B. (May 1996a) Freedom on Probation: A Case Study of the Home Office Enforced Changes to the University Education and Training of Probation Officers. London: Association of University Teachers.
- Williams, B. (1996b) Counselling in Criminal Justice. Buckingham: O.U.P.
- Wood, N. (1999) The Politics of Competence: A Core Study of Developments Within Professional Training for Qualification as a Probation Officer. Med Thesis: University of Sheffield.
- Worrall, A (1990) Offending Women: Female Lawbreakers and the Criminal Justice System London: Routledge.
- Worrall, A. (1997) Punishment in the Community: The Future of Criminal Justice. London: Longman.



Young, J. (1995) 'Incessant Chatter: Recent Paradigms in Criminology' in Maguire, M. Morgan, R. and Reiner, R. (Eds) The Oxford Handbook of Criminology. Oxford: Clarendon Press.

Young, J. (1998) 'Breaking Windows: Situating the New Criminology' in Walton, P. and Young, J. (Eds) The New Criminology Revisited. Basingstoke: Macmillan Press Limited.

Young, J. (1999) The Exclusive Society. London: Sage.

Young, J. and Matthews, R. (Eds) (1992) Rethinking Criminology: The Realist Debate. London: Sage.

## **Appendix One**

### **Research on Probation Practice with Prisoners During and After Their Sentence: The Context of the Research Undertaken in 1987 and Pilot Phd Interviews in 1994.**

#### **Background**

Although probation order supervision is a commonly experienced and observed practice in field offices, working with prisoners was an area of practice with few ground rules.

When the author started working as a probation officer in Hackney in the mid 1970's, through-care appeared to be a rather mystical experience. P.O.'s disappeared off for the day to visit some far off prison but what they did, indeed the concept of through-care was vague. At one level it was to tell the prisoner that they had not been forgotten, perhaps it was an attempt to offer support to the client. Cynically it could be described as a day out, or a way of inflating the officers travelling expenses. It was not an area of the work that was discussed within field teams.

It is difficult to explain why P.O.'s become interested in through-care and after-care. It became clear to me over time, that the prison experience was very disabling, and that those who had served a sentence of imprisonment were at great risk of reoffending and repeating the experience. The experience of custody, from my probation practice, could (rarely) lead to the start of a voyage of self-discovery, typically through the opportunity to discover, via education, a world not available 'on the street'. Incarceration could also force the inmate to reflect on their past and to plan a more constructive future.



More typically, however, prison damaged inmates psychologically, with prisoners talking of depression, impotence and other sexual problems, and conditioned feelings of helplessness -graphically described to me by one newly released ex-prisoner, of waiting by his door to be let out, except that he was in an after-care hostel. It was common for ex-long term prisoners to wake up dreaming that they were still in prison. Thus some P.O.'s actively sought to obtain prisoners on their caseloads, believing that this was a worthwhile task, others would avoid this at all costs.

The author worked in a prison probation department (H.M.P. Holloway from 1981 to 1984), and discovered great inconsistency of practice in P.O.'s visiting of prisoners. Within the probation service there was great debate whether probation officers should work in prison establishments. It could be seen as being too collusive within the prison system. The recent devolvement of budgets to prison governors highlights the issue of who should provide support to prisoners. Prison officers have rightly become more involved, but there is the potential for competition between the probation service and voluntary organisations, like N.A.C.R.O., to provide the support. This has again served to 'muddy the water'. The prison service has increasingly been drawn into the private sector by the Acts, leaving prison probation departments vulnerable, as Governors take control of their budgets.

## **The Probation Caseload**

Probation Officers (P.O.'s) caseloads contain a mixture of cases. These range from probation and supervision orders, recommended, or imposed against P.O. advice, to adults or young people on licence, after serving a prison, or young offender, sentence.

These licences could be automatic in the case of young people or else conditional release, parole, or life licence. The main difference between probation or supervision orders, and after-care licences, is that the P.O. may not have felt that supervision was necessary and the offender may deny the offence and not wish to co-operate with the probation service. They may feel that the prison sentence was punishment enough.

Despite the priority setting of S.N.O.P.(1984), it was not until the publication of National Standards in 1992 that guidelines were issued to inform probation officers about when and how often to visit offenders in prison. It was inconsistent whether P.O.'s would offer through-care support to clients who were sentenced to imprisonment, especially where contact had been limited to the preparation of a social inquiry report.

One further complication was that practice varied remarkably within services as well as between them. The Home Office did not up-date S.N.O.P. until it issued a three year plan for the probation service in 1993.

Some boroughs within the Inner London Probation Service (I.L.P.S.), where the author worked, operated specialist liaison schemes, whereby P.O.'s were allocated to particular prisons around the country with the intention that all clients in the borough would be transferred to liaison P.O.'s, to make visiting more economical and efficient. The main



disadvantage was that clients had to be transferred between P.O.'s at the point of entering prison or as they moved to a new prison. P.O.'s could be very possessive of their clients and not wish or even be prepared to pass them on. The liaison schemes had not been evaluated to ascertain whether the advantage of specialising, with more frequent visiting but with the client being moved between P.O.'s, outweighed the disadvantages of P.O.'s having individual clients in a number of different prisons, but where there was more continuity.

### **Background to the 1987 Study on Through- and After-Care**

The semi-structured interview format allowed the author to investigate whether prison visiting was viewed by probation officers as integral to their professional practice, an "escape" or extra pressure on them. One officer felt that it was important to get out of the office to do visits, it was a relief from the day to day pressures and it was a bonus for the prisoner as the P.O. represented someone from outside of the prison, opening up a closed world.

A young female officer confirmed the different pressures on women officers when she commented:

Yesterday I went to Pentonville. You can imagine that there can be up to fifty men peering over that horrible balcony, all whistling and calling out. I don't blame the men but you've got to go through that barrage before you greet your clients. In a way it undermines your own confidence. I felt just like a 'bit of crumpet' walking through Pentonville, not a probation officer I just don't feel like myself. (Goodman, 1987, 26)

Jupp has commented that:

Feminist research methods coalesce around the viewpoint that positivist, quantitative approaches are male dominated and by their procedures and structure miss many of the issues which are specific to women...The formal interview is viewed as a form of exploitation stemming from the differential relationship between researched and researcher (particularly if the former is female and the latter male). (1989, 66-67).

The rich source of data elicited much information, the commonality of training and professional identity with the author, allowed the interviewees to be relaxed and open in their answers.

## **Analysis of the Interviews**

### **1. Gatekeeping to the System.**

Senior P.O.'s could control the allocation of cases to their main grade officers by not bringing new cases to allocation meetings. P.O.'s could either file away cases when they went into prison or could continue and visit. This appeared to be personal choice. The significant variable was workload pressure, the more busy the P.O., the less likely they were to visit prisoners.

With borough prison liaison schemes, individual P.O.'s took on the responsibility for the through-care task in the prison on a borough wide basis and responsibility for all clients there would be passed to them. The referral procedure was formalised with a definite



area policy of offering a through-care service to those prisoners who were eligible for parole.

## **2. Contact with Prisoners and Their Families.**

Contact with prisoners varied remarkably in frequency. It could be automatic visiting, visits offered to prisoners who then had the opportunity to decline, or else visits were made only when asked for by the prisoner. Indeed the accusation was made that some P.O.'s severed their contact with their clients as soon as they were sentenced to a term of imprisonment.

Contact with the families of clients in prison was generally seen as part of the 'hidden' caseload. It was described as a very demanding, but satisfying part of the job. This work was also devolved to untrained probation service officers (P.S.O.'s).

Liaison scheme P.O.'s visited their institutions, on average, every six weeks, they felt that this enabled them to form good relationships with their clients in prison. There was an opportunity to 'tune into' the particular problems of each institution. The criticism of field P.O.'s that seeing a number of different clients in a day, hence the contact became superficial, was not accepted by the liaison scheme P.O.'s. Field P.O.'s saw their clients far less frequently - three to six monthly.

### **3. Contact with the Institutions.**

It was in this area that marked differences were apparent between field and liaison scheme P.O.'s. The former were generally critical and suspicious of their prison P.O. colleagues (P.P.O.) and did not see it as an essential task to liaise with them. When they did it was often fraught with difficulties. Liaison scheme P.O.'s saw liaison with the institution as a necessary task whereby they got a better deal for their clients, as arrangements could be negotiated.

Concern was expressed that interviewing facilities were deteriorating, interviews were often conducted in the general visits room, making it difficult to discuss sensitive issues.

Lack of understanding of the organisation of the prison could result in the probation departments being blamed for administrative problems instead of parole clerks etc..

### **4. The Relationship Between Through-Care and After-Care.**

The link between what the P.O. did with prisoners and the link with what then occurred post-discharge was difficult to establish. Through- and after-care cases combined exceed the numbers of offenders supervised on probation orders. This raw data does not shed any light on the relationship between through- and after-care. Through-care was seen as an important task in its own right e.g. the opportunity to discuss offending behaviour before the client was back in society and confronted again with the pressures of everyday life. Successful through-care could make after-care unnecessary and the



pre-release contact enabled constructive discharge plans to be made, e.g. accommodation.

## **5. Liaison Schemes.**

There was a uniform response by liaison scheme P.O.'s that this was a positive way of offering support and did not resemble a 'conveyor belt' response. P.O.'s felt that their skills in this area of the job had increased.

Field P.O.'s were sceptical, but not well informed about how liaison schemes operated. They accordingly preferred their existing approach to the task.

## **6. Parole.**

There was a great deal of complaint about the impracticability of the (very) short term parole (sec.33), that was then on offer. This was subsequently abolished by the 1991 C.J.A.. With the longer term parole applications (sec.60, for those sentenced to over three years), there was anger at the futility of preparing reports and organising hostel applications etc. when the likelihood of success was small, early in a long sentence. Reports on prisoners were still required after a third of the sentence had been served, but prisoners in reality had very little possibility for release at this point, whatever their circumstances.

## **7. Guidelines for Probation Officers.**

Although the research was carried out post S.N.O.P., there was little guideline for P.O.'s when it came to working with prisoners. This was most apparent in new workers who were very unsure whether their practice was typical or not. The description of the task by one P.O. as being "whimsical rather than planned" appeared very accurate. Perhaps that was why it was cynically described as a way of increasing travelling expenses.

### **Recommendations Made to the Probation Service in 1987.**

1. To improve liaison with institutions for the clients benefit.
2. To develop more pre-release courses for young offenders, out in the community (it was possible to negotiate short-term temporary release programmes).
3. Intervention with prisoners should start as early as possible.
4. Establishment of 'reaching out' schemes for petty persistent offenders to avoid repeated short sentences.
5. Not to lose short-term prisoners who may not qualify for through-care, but to offer a 'package' of resources on discharge e.g. accommodation, day centres, help with addictions etc..
6. The establishment of a service policy to offer regular support from the field, at the latest from the time of sentence.
7. That this part of the task should not be squeezed, when there was caseload pressure.



## **Professional Practice of P.O.'S.**

Individual probation officer philosophy may not be a significant variable when it comes to court recommendations, but it may be significant when the decision of whether to offer, or not, voluntary support to ex-prisoners. This was not investigated in the research in 1987.

Probation service policy about through-care varies widely (where it exists). Much of it is bureaucratic in tone, concerned mostly with procedural matters and lacking in value statements. The response to the 1984 Home Office 'Statement of National Objectives and Priorities' in many areas was to accept its implicit downgrading of work with prisoners without demur...In practice, probation officers often put bureaucratic considerations before the need to provide a personal service. Work with prisoners is processed by 'stalling them off', to such an extent that postponing engagement with individuals turns into a bureaucratic policy. We exercise the discretion not to provide a caring service. (Williams, 1992, 273)

These words are a damning indictment of poor professional practice with prisoners.

## **Background to the PhD Pilot Interviews - July 1994.**

Five interviews were undertaken in July 1994 with probation officers who had been previously interviewed in 1987. The intention was to evaluate the changes that had taken place in the probation service, as experienced by these professionals. All the officers had been in post for at least 10 years, the full research project would include officers of different experience to control for this variable.

It was expected that the imposition of National Standards, new Criminal Justice Acts etc., would affect the service delivery to offenders and the practitioners morale, as the long experienced pilot sample had been used to working in the time of much greater personal autonomy than was now the case. The role of the senior P.O. (S.P.O.) had also changed significantly during this time.

## **Methodology**

Interviews were carried out in the officers' offices. They varied between 45 minutes and one hour in duration and were all taped and then transcribed. Notes were made contemporaneously, to incorporate non-verbal communications and perceptions. In this manner a triangulated approach was adopted to maximise the qualitative data. In order to obtain as wide a picture as possible, the interviewees were invited to add comments where they wished and to suggest further areas for discussion. This allowed them to describe changes in practice and to speculate on the future of the service.

## **The Interviewees**

P.O.1, a woman with twenty years experience, worked in an inner city service, in a specialist prison liaison scheme. This meant that in her area she had responsibility for offering contact to prisoners in a number of designated prisons, specialising in three long term prisons.



P.O.2, a woman with ten years experience, worked in an inner city service, in a specialist prison liaison scheme in a different borough to P.O.1.. She had had this post for five years and was in despair, as service policy was that she had to move office. She was extremely reluctant to do so as she wished to continue her specialism of resettling ex-prisoners.

S.P.O.3, a woman with 18 years experience, had been a senior for five years. She was on the verge of leaving a non-specialist field team that worked a patch system (i.e. each P.O. covered a discrete area for clients in the community), to manage a civil work unit.

Prisons were allocated to specific P.O.'s, so this part of the probation task operated as a specialised liaison scheme. Since the interview in 1987, she had moved to work in a different, greater London probation service on promotion to senior. She had responsibility for the prison liaison scheme.

P.O.4, was a woman with over twenty years experience, she had a radical National Association of Probation Officers, (N.A.P.O.), trade union background. Now in her early fifties, I was surprised to hear her expressing the desire to take early retirement.

P.O.5, was a man with over twenty years experience, he had a very wide ranging experience of prison resettlement and had worked in generic and specialised teams as well as the After-Care Unit.

## **The Emerging Themes**

### **The Through-Care and After-Care Task.**

The task of seeing clients in prison was seen as vital by all P.O.'s interviewed. The frustration of being stuck at the gate waiting to be brought across by prison officers could still occur, but welcome changes had taken place in the relationship with prison officer staff. P.O.2 commented that she was dealing more with prison officers and:

[the] ethos seems to have changed. They are more aware of welfare type issues - not welfare in [the] old fashioned traditional sense. [I] spoke to a prison officer at Wandsworth [regarding a prisoner] who had been allocated to Camphill. He agreed to put the prisoner on hold while I try to negotiate with the [Wormwood Scrubbs] Annexe. [It] wouldn't have been possible in the old days.

Not all P.O.'s were as positive, P.O.4 commented that:

What is nice is that you often get phone calls from prisoners using their own phonecards...As a smoker, visits are abysmal, places are non-smoking, even if the prisoner smokes - you can't smoke. There seems to be an attitude in the prisons, oh well...only a P.O. and it's a social visit, so it doesn't matter if it is in the social visits room...It is so easy to be distracted by the noise.

Offenders serving less than a year were no longer seen by probation officers but were supported by volunteers from the society of Voluntary Associates (S.O.V.A.). When probed about this, the P.O. commented that they were an important client group:



they [the service] don't want to know. Those receiving short sentences are not a priority. I tend to keep some fairly short ones if I know them and there is some work to be done. It's the involvement of the voluntary sector - 5% of all budgets has gone. It just filtered in - you couldn't oppose it, you couldn't do anything basically.

S.P.O.3 believed that there had been a change in the outlook of prisoners and ex-prisoners, who no longer wished to take up the offer of in-depth probation support:

I think that it has something to do with the inevitability of the gaps between the visits and the clients thinking that I've got to see this P.O., but my bird is sitting in a prison - not seeing the P.O....I wouldn't put the onus on P.O.'s - this is what the clients want.

P.O.1 told me that there was a commitment in the unit to see offenders in prison within six weeks, which was not always easy. This was due to become the service wide policy.

The P.O. was visiting seven or eight institutions regularly and tried to see her clients every three to six months. Visits to far off institutions resulted in her working very long days, which she did not resent. She had not been prevented by the service from visiting this often, although cash limits, imposed by the 1991 Act, had resulted in the service needing to be very careful with its budget. P.O.1 felt that the time involved in preparing parole reports, which must include a prison visit, was useful to her, it allowed her to focus on the offender and their family. It was an activity she enjoyed.

P.O.2, in a specialist scheme comprising of four full-time and a half time post, liaised with five long term institutions (prisoners sentenced to four years or more). Short term prisoners were shared amongst team members on a rota basis. She regularly visited Coldingly (industrial prison), Swaleside, Maidstone; and Parkhurst and Albany, on the

Isle of Wight. She tried to visit every six months, as a minimum. Short termers were likely to be seen at the beginning and at the end of their sentence. She did not use correspondence as a means of maintaining contact but would respond to letters: "I've a lifer who from time to time will write twelve foolscap pages - needs a proper response".

P.O.4 commented that she had maintained her strong commitment to prison visiting which for her meant every three to four months, irrespective of where prisoners were and how long their sentence was. She also wrote lengthy letters to them. There was no liaison scheme operating and P.O.'s might visit prisons together. She saw this as having a number of advantages, it chased colleagues up to visit and it was "nice to have a day out with somebody." New prisoners were allocated quickly and she tried to make her initial visit in the first six to eight weeks.

S.P.O.3 commented on the health and safety aspects of visiting prisoners:

[There] have been several horrendous instances where P.O.'s [have] seen prisoners on wings without a prison officer and prisoners have run amok - quite horrendous. P.O.'s have my 100% encouragement not to visit on wings, but they should go on legal visits. [The] health and safety angle was not so evident years ago.

It was because all prisons were organised differently that S.P.O.3 favoured liaison schemes. This allowed P.O.'s to get to know their institutions and discover what was possible to get organised. P.O.2 was not working with the families of prisoners, where they did exist it was rare for them to get in touch:



most clients in prison don't seem to have families. [It is] quite unusual to do an H.C.R. (home circumstance report) on an existing address.

According to S.P.O.3, it was not possible for P.O.'s to work with the families of prisoners, with the other work priorities. It therefore occurred only in a minority of cases.

P.O.4 discussed the problem for the prisoner who was the victim of racial harassment/prejudice, which she saw as still a serious problem:

Guys who want to make a complaint...have got to do it quite quickly and they are still there in the prison. I've got a guy who had quite severe incident in Brixton over a year ago and he has only just gone to the board, having been to Downsvew and Coldingley and now he's gone to Maidstone. He was frightened of going back to Brixton. I wouldn't like to walk into him on a dark night - that's the prisoner - God knows what the prison officer must have been like.

She did not believe that prisoners would go to the prison P.O. who she thought was seen "as part of the establishment". She saw her role as encouraging the prisoner to go to the prison P.O.'s for "support and help", it was positive that she continued, "when they do they then have a very positive experience, which is good."

### **Bureaucracy and the Probation Task**

S.P.O.3 succinctly described the changing nature of the probation service and the tensions resulting from this:

I am a social worker. I am an S.P.O., but I am a social worker. People have said to me that now that I am leaving, that I hope that your successor will have a commitment to social work principles. I think that they are 100% correct to have that fear, because my successor could adhere to social work principles or not...They would not be made an S.P.O. because of those virtues. If you want to become a senior, you don't say that I am a good social worker...You say I've grown up now - management speak - but within management speak you can adhere to social work and I will strive to do it. I know that it cannot be said of all S.P.O.'s.

S.P.O.3 had a predominantly inexperienced team, with most P.O.'s in their first or second year of the job. She was the only woman amongst four S.P.O.'s in the borough.

Most of the P.O.'s were women and were "invariably replaced by women." She felt that the management, at Headquarters, had not taken sufficient notice of the high caseloads and numbers of P.S.R.'s being completed, the implication being that the office was under resourced. The budget capping of services following on from the C.J.A. 1991 had clearly had an effect. There was also an implication that pressure led to staff moving on after three years or so, leaving inexperienced staff to work in a stressful and deprived area.

P.O.1 stated that after the 1991 C.J.A., the Chief Probation Officer (C.P.O.) had decided that each area would specialise in offering through- and after-care support/supervision.

The form of the specialisation was left to the local Assistant C.P.O.'s (A.C.P.O.'s) discretion, confirming that the review of through-care, some eight years earlier had not led to consistency in service policy. She believed that through-care was offered in very diverse ways, with two boroughs having complete specialisation, namely a team undertaking the task. Other boroughs had individual probation officers in teams



specialising, others were completely generic, with all P.O.'s having some offenders in prison. It was therefore likely that service delivery would vary, subject to whatever control National Standards exerted on P.O.'s, given that contact was statutorily minimal, just two visits in a sentence, unless reports were needed. P.O.1 commented sarcastically:

You can get the file that has been sat on for months, they [the P.O.] haven't bothered to visit - you think who is this lazy so and so who hasn't bothered to visit their cases.

The change in policy in the area (which historically had operated a liaison scheme) caused "quite a furore at the time, everybody [was] dead against it. [They] wanted to stay generic." It also appeared that the S.P.O.'s "felt obliged to toe the line - one [was] retiring". It thus appeared that the senior management, in the face of National Standards and pressure from the Home Office was acting in an authoritarian, closed manner.

The reality of having a specialist caseload of offenders in prison and post-release, was a caseload of sixty. This was considerably higher than field officers. Although there was not the pressure of constantly writing pre-sentence court reports, the offenders were 'high end', many serving life or very long sentences. The official maximum was fifty offenders in prison and twenty offenders in the community. This was due to rise to seventy five. This could be compared to S.P.O.3 who told me that her P.O.'s held a caseload of forty. S.P.O.3 had one P.O. with a caseload of fifty, which she considered far too high to supervise within National Standards.

There had been a further change in policy that the probation service should open a file on all defendants charged with murder. It had been decided that these (pre-trial) defendants should go to the through-care specialists, which involved a considerable amount of work preparing reports (despite the statutory life sentence if found guilty of murder). P.O.1 described the situation of visiting a person in prison who had "started to admit things - evidence for the prosecution". The P.O. was "circumspect about them [pre-trial]. I don't do anything unless I have to." Much of this dilemma was due to the Home Secretary making a pledge that the victims families would be consulted.

P.O.1 believed that the bureaucratic side of the job was increasing, numerous home leave reports (the interview was before the Home Secretary announced a dramatic cut back in home leave; more on this later), parole assessment reports (previously called home circumstances), pre-discharge reports for prisoners who were to be released on automatic conditional release (A.C.R.). There was a report to be sent back to the prison at the end of the A.C.R. licence; reports to the Home office on lifers, pre- and post-discharge (F75's). A major change also was for P.O.'s to become more involved in 'sentence planning'. This was very much welcomed by P.O.1.

At the end of the session with P.O.1 we were joined by a (male) colleague who had been in the service for ten years. Two very interesting further themes emerged. The first was the imminent computerisation of the probation records (called C.R.A.M.S.). The P.O. was concerned that this could result in the computer 'tripping' automatically the fact that the offender was not keeping to National Standards for reporting e.g. weekly for the first three months. He saw computerisation as a sinister development for the service with



serious civil liberty implications. What they did not know about, was the linking with other criminal justice agencies, which would allow for example, P.O.'s to access Crown Prosecution information on the offence.

The male P.O. was far more overt than P.O.1 in his mistrust of the S.P.O., who he clearly did not regard as a support, rather as a bureaucrat who ensured that National Standards were being adhered to. Perhaps the tape recorder inhibited the first P.O. from being fully open. The notes made during the meeting recorded the fact that she appeared uncomfortable at the point in the meeting when the issue of support/supervision was discussed.

Allocation of short term clients should occur automatically, with files put into trays on a rota basis. This would have removed the S.P.O. from having a 'gatekeeping role' - as had been discovered in the earlier (1987) interviews. However P.O.2 commented that:

In theory allocation [should occur] quickly. At the moment [it has been] agreed that nothing will be allocated unless it really has to. I don't know [why] we are constantly understaffed, moments when we have been fully staffed [are] only transitory. The S.P.O. was committed to through-care and was from a specialist through-care team.

P.O.2 felt that she could still offer what used to be described as casework and although she could discuss this with her S.P.O.:

I'm not sure that the organisation encourages it. It is far more important to count numbers and fill in forms [and] do the various sorts of monitoring that has to be done.

In terms of National Standards P.O.2 acknowledged that prisoners were to be seen on their day of release:

In theory [subsequently] at home within five working days and then in five days at [the] office again. We operate a degree of flexibility - if on release they have seen a duty officer, then the next visit will be in the office [with their own P.O.]. If they are in a hostel [the P.O.] may not visit there at all. We can confirm that [the] person is there without visiting at address. We see them weekly for a month and then fortnightly and then less if they are on a long sentence.

S.P.O.3 expected P.O.'s to write to prisoners within fourteen days of allocation and she hoped that prisoners would be visited more frequently than quarterly. She acknowledged that there was variation in probation practice. She had also been concerned about the feasibility of home visiting new clients within five working days, but this did not seem to be an issue. She had not been given the message that this was a high priority, so she did not "push it". Many of the clients resided in large estates that were best not visited as they were "risky". The change in how the breach process operated, namely through the courts, rather than the Home Office and Parole Board (licences for sentences of four years and less) did not she believed have the "same bite". It could be that with the squeeze on probation service budgets, brought about by cash limiting the probation services, following on from the C.J.A. 1991, that services cannot afford to staff units which have a lower task priority. It is certainly not the case that there is a shortage of trained staff emerging from the training courses. There is instead the looming prospect of redundancies in probation staff.



## **Release on Licence**

P.O.2 had breached two parolees in her five years in her present post. There were a couple of others that she admitted that she "should have breached, but didn't." Her colleagues she thought had breached more on automatic conditional release (A.C.R.) licences; this did not worry her.

The author discussed with P.O.1 the implication of A.C.R.'s whereby offenders serving sentences between one and four years, were released at the half way point, and had to be supervised to the three-quarter point, with the final quarter of the sentence 'at risk' and possibly being implemented if the offender reoffended, even after the supervision ended. Previously offenders were released, at the two thirds point, with no licence unless they were fortunate to have a period of parole. The 1991 Act had therefore drawn into the 'compulsory licence net', many ex-prisoners who hitherto would not have bothered to see a P.O. The P.O. commented that "you can stumble people through." In a period of nineteen months she had only breached one licence. The offender that was breached had served a prison term for the physical abuse of his child. He was not taking the licence seriously and did not co-operate. She was not sure that the licence would have been breached if it had been on a burglar. Her conclusion on A.C.R.'s was:

I'm surprised at the response to A.C.R. licences, rather than the lack of response. I thought that it would be much more of a struggle to get people in. I'm amazed that they do!

The service had employed an ex-policeman to go to the Magistrates' Court to prosecute on behalf of the service. It was only necessary for the P.O. to go in the event of a not guilty plea.

Like P.O.1, P.O.2 had not experienced resentment amongst clients on A.C.R. licence.

She believed that this was because they felt that they were getting out earlier i.e. at the half way stage on sentences of four years or less, when previously they would have served two thirds of their sentence.

S.P.O.3 felt that there had been an "increase in the rigouressness of supervising community sentences". This was more time consuming and had had a "knock on effect" on through-care work with prisoners. She attributed this to the fact that she had a generic team which meant that prison work had to assume a lower priority. Despite this she confirmed that clients kept to their A.C.R. licences, although mostly the contact had become superficial. They reported, but did not want to do any "work" in the traditional sense. The ex-prisoners knew, because National Standards set it down clearly, how often they had to visit the probation office. She concluded that ex-prisoners "accept the control aspects of the probation service much more than before."

## **Resources**

The resource implications of resettling offenders was discussed with P.O.1. Homeless offenders were very difficult to place. The situation had eased somewhat - a couple of



months previously there had not even been bed and breakfast accommodation available.

The unit had an (untrained) probation service officer (P.S.O.) who had been developing a sound knowledge base for finding accommodation and was doing so for four of her clients at that time. It was slightly easier for women offenders, but they were a very small percentage of the caseload.

P.O.2 was asked about what help she could offer to discharged prisoners? Her response was:

No jobs, no accommodation, no grants for clothing and/or furnishing if they manage to get their own place - very difficult. In terms of practical help it is virtually nothing.

S.P.O.3 commented that her probation office was in a borough that had severe financial difficulties. Consequently they were cutting back on provisions for their inhabitants. The social services were shelving jobs and this was likely to have a "knock on" effect on the probation service. It was possible to find clients accommodation in the area and the service ran an accommodation scheme. Jobs, unfortunately, were very scarce.

### **Links with the Voluntary Sector**

There was a 'Prison Link Project' just down the road from P.O.1, which was a resource for finding accommodation. She did not regard them as more able to find accommodation than the P.S.O., furthermore she found them to be "more judgemental".

This interesting theme - of suspicion and lack of credibility for external voluntary

projects was an interesting theme to emerge, one repeated by the other P.O.'s interviewed. This is especially worrying when five percent of probation's budget has been diverted to the voluntary sector, on ideological grounds, by the Home Secretary.

P.O.2 used the local voluntary drug link "quite a lot", however the person she liaised with had just left. I felt that the 'personal touch' had been important there and she was 'reserving judgement' on the new staff member. There was also accommodation finding agencies. In the past the probation service had specialist P.S.O. staff who had taken on this task, but this had ceased after the demise of the After-Care Unit. There was a voluntary organisation S.I.M.B.A., who worked with black clients in the area of employment and training. She had not used them. She could not talk authoritatively on resources for women offenders, she had only one on her caseload.

S.P.O.3 was positive about the usefulness of the voluntary sector. Turning Point, a drug advice agency, visited the probation office every fortnight and also visited the two other probation offices in the borough. The office liaised with the Parole Release Scheme, which also specialised with drug information and support. She commented that the locality had a large black population:

On a busy reporting time most of the people in the waiting room will be black. [There is] definitely an enormous centre of drug dealing on the largest estate around here.

Despite the above comments there was no formal basis for contact with black self help groups, rather contact was "ad hoc". On a more positive note, half the P.O.'s and all of the support staff were black. It was likely that there was a good appreciation of what



was available, within the unit, but was there less need to go outside of the unit for advice and information?

P.O.4 did not use voluntary agencies much and injected a note of cynicism:

We've got a million in [multi-cultural borough]. We've got this organisation called...It's another one of these ex-P.O. setting up consultancies. They came into [the borough] and found out all the voluntary agencies and keep having day conferences with them - allegedly quite useful but I don't think we all need to go.

The service provided a resource team to assist P.O.'s, but P.O.4 did regard this as "not wonderfully good." When she had wanted information, for example, on black studies, the most useful advice had come from a colleague.

A further theme to emerge from P.O.4 was whether the voluntary sector was a collaborator or competitor with the probation service? N.A.C.R.O. was very keen to work in the prisons and was doing so in Feltham, an institution for young offenders. Where prisons were now giving out contracts, her service was putting in bids, "N.A.C.R.O. could probably undercut them." She thought that the process of bidding for contracts could see P.O.'s lose their place in the prisons, ironically the policy of the National Association of Probation Officers (N.A.P.O.).

## **Conclusions from the PhD Pilot Study**

The study was carried out at an interesting time in the timetable of changes to the probation service. It was still possible for P.O.'s to talk of wanting and being able to offer a social work service to offenders and, pre-National Standards 1995, some officers talked of ignoring the imperative to breach non conforming offenders. The P.O. most hostile to National Standards retired shortly after the interviews were conducted. The voluntary sector did not figure as important to many of the PO's but again this was before the notion of case management had impacted onto the service. This time, in hindsight, was a transition period for the service between the first two versions of National Standards. Events were moving very quickly and this was captured in the main body of the research. Having completed this pilot study I realised that if I wanted to understand how the probation service was changing I needed to investigate and evaluate the changes to probation generally and not to restrict the analysis solely to issues concerning prisoners and ex-prisoners. Functional or generic approaches to the probation task were less important than investigating issues like bureaucracy, case management and National Standards.



## **Appendix Two**

### **A Case Study of a Specialist Probation Unit that Operated Between the Mid 1960's- 1990**

#### **289 Borough High Street, the After-Care and Resettlement Unit in the Inner London Probation Service (A.C.U.).**

This appendix focuses on the probation unit in Inner London which had a specialist function to resettle the homeless and rootless, particularly on their release from prison. The author worked in this unit from 1984 to 1989 and was able to accumulate an archive of material from its development. He was involved in researching changes in its function and organisation and interviewed an Assistant Chief P.O. (A.C.P.O.) from the early days of the unit. This takes the history from 1965 through the 1970's. It demonstrates that individual officers were independent and could 'do their own thing', including setting up hostels, running volunteers and controlling their work. Senior staff worked alongside the main grade and offered casework supervision. They were not managers in the modern sense of understanding how management has quality control and accountability responsibilities. Conversely, the management of the unit became the senior managers of the service as a whole and initiatives from the unit became part of the specialist programmes of the wider service. Quoted material is from unpublished archive documents held by me.

The A.C.U. was born on the 1<sup>st</sup> of January 1965, the product of a union between

Officers from the National Association of Discharged Aid Societies (N.A.D.P.A.S.), who were already present working in the building, workers with the men's division of the Central After Care Association (C.A.C.A.), who had also been working there, and a number of probation officers who moved into the building. N.A.D.P.A.S. changed function to become the National Association for the Care and Resettlement of Offenders (N.A.C.R.O.), a voluntary penal campaign organisation and provider of hostels and many other services. Initially there was an Assistant Principal Officer (A.P.O.s later became A.C.P.O.s) and two Seniors. In February 1966 a further senior arrived with a particular responsibility for training.

This Senior, Georgina Stafford, wrote an article a year later which described her experience in settling into the unit. She had assumed that her knowledge of "human problems" would be relevant in her new task of after-care work, but she commented:

"Now at the end of a year I know only too well how little I really understand of the problems of after-care prisoners." (Stafford, 1968, 429)

The Assistant Principal Probation Officer in a report dated the 9<sup>th</sup> of May 1968, commented on the Service's inexperience in the after-care field: "This is an area...which in the past has received only limited consideration; with continued support there is no reason why Borough High Street should not make a significant contribution in the field. We are becoming increasingly sure that far from after-care being an 'easy option', an activity suitable for lesser-qualified staff, it in fact demands from officers all the skill and expertise which is at the Services' disposal." (Pratt, 1968)

Stafford gave a description of the building which accurately reflected its character



throughout the life of the unit: “a dreary building near the Elephant and Castle. It has five floors with five long corridors with rooms opening on either side and a rather antiquated lift; we have no ground floor. Two large rooms house the Central Registry for (Inner) London. We...deal only with the homeless. Clients walk up to the first floor and are seen by a receptionist, and then go into a quite pleasant waiting room.” (Stafford, 1968, 429)

In 1968 the Assistant Principal Probation Officer, based in the A.C.U., circulated a paper around all the probation officers that detailed the changes that had occurred in the unit after it was taken over by the Inner London Probation and After-Care Service (I.L.P.A.C.S.). He mentioned that I.L.P.A.C.S. did not finally take over the entire building until December 1967 when responsibility passed to the Receiver of the Metropolitan Police from the Ministry of Public Buildings and Works. On a purely practical level, a new telephone system that allowed internal communication was installed along with internal security doors on each floor to close off officers rooms from callers (these doors are not locked currently). An automatic lift was also installed. However he mentioned a much more difficult issue, namely how to raise the status of the A.C.U. both to external probation colleagues, and to signal to clients that there had been change in management and personnel. “We were well aware of the fact that in continuing to use these premises we were likely to carry over existing feelings which ex-prisoners had about the help which had been available from those sources....One of our most important considerations has been to raise the status of after-care in the Service and particularly to enable officers generally to see the value of the work being done at the Borough High Street (A.C.U).”

(Pratt,1968 paper).

In order to achieve this objective, Pratt mentioned that Dr Hyatt Williams, consultant psychiatrist to the Tavistock Clinic and at H.M.P.'s Wormwood Scrubs and Maidstone, had been engaged to give a fortnightly seminar to officers at the A.C.U..

In a report on the Unit by the three seniors, dated May 1970, it was stated that "At the end of 1964 the Inner London Service was instructed to take over part of the building... The London Service was given floors one and three and this meant that officers had to work under very cramped conditions." ( I.L.P.S. A.C.U. Report, May 1970).

The report also mentioned that in addition to workers from N.A.D.P.A.S., and the men's and women's division of C.A.C.A., four officers came from the Royal London Discharged Prisoners Aid Society and two from the Holloway Society. The Prisoners Wives Service was based in the A.C.U. but they operated autonomously. There was a part-time probation Officer at the A.C.U. responsible for liaison with Prisoners Wives, who would organise a visitor within 24 to 48 hours of receiving a referral to help the family of a man sent to prison. A very high percentage of the A.C.U. clients would have lost their family support a long time ago.

The A.C.U. Report stated that the unit inherited the work patterns established by the hitherto separate groups, namely that N.A.D.P.A.S. had encouraged people to call without appointments, whilst C.A.C.A. worked by appointment with longer known



clients. Thus from the outset the unit catered for two different client groups, the casual caller and the known client.

The 1970 report detailed the fact that N.A.D.P.A.S. clients would visit the office between 8.30 a.m. and 5.30 p.m., the common denominator was that the client would have been in prison at some stage in their lives, but they would not currently have been on any form of statutory supervision: "A policy had been formed that nobody should be turned away and it was customary for these people to be given a small handout of money or perhaps some second-hand clothing or bed vouchers and food tickets." (ibid).

The effect of this policy was that the After-Care Unit was a very popular establishment for the itinerant population and as many as 80 clients a day called at the office. The report commented that this number of casual callers "imposed great burden on those who were trying to formulate a new policy and method of approaching the whole question of after-care." (ibid).

The C.A.C.A. worked with clients who were either on statutory licence, preventative detention or corrective training, or else were voluntary but had been known to the supervisor for at least five years in the case of males, or four years for females. Thus after-care arrangements would have been made long before release. The 1970 report commented that the two women members of C.A.C.A. were reluctant to extend their work more fully to cover the tasks of all the unit. In addition to the above tasks of N.A.D.P.A.S. and C.A.C.A., after 1st January 1965 the Inner London Probation Service became responsible for the supervision of homeless young men released from

Detention Centres. In 1967/8 the A.C.U. became responsible for homeless Borstal boys who wished to come to inner London on discharge.

When the unit started, the 1970 Report commented that all staff, together with the assistant principal probation officer who had an office in the building: "had only a hazy idea of what was expected of them. Consequently considerable burden was placed on the senior officers...to try to form a cohesive policy towards which everybody could work." (ibid)

The distinctions between N.A.D.P.A.S., C.A.C.A., and the London Probation Service ended at the end of 1966 when the Probation Service absorbed these separate organisations. Over the next two years a number of the (younger) officers left the unit to receive a training in the wider aspects of probation work and they did not return to the unit. Their places were taken by probation officers from the London Service and by officers directly from courses. At the end of the first year the establishment was three senior officers, fourteen full-time officers and one part-timer who was responsible for liaison with the prisoners' wives (voluntary) service. At the end of five years the complement had risen to three seniors and nineteen probation officers, and a part-time ex-probation officer who worked for the Southwark Diocese.

The report in 1970 had harsh words for their fellow colleagues in the Inner London Service when it stated: "While we have welcomed a number of officers direct from training, we deplore the constant turnover of staff and the unwillingness of experienced colleagues within the service to move to this more specialised kind of work. It should



be remembered that this unit has been in operation now for over five years, and while we are grateful for an ever increasing measure of stability, this aspect needs even more and urgent attention." (ibid)

Thus it can be seen that work with homeless and rootless offenders was not popular with the majority of probation officers in the Inner London area as a work specialism. The 1970 report commented that after the amalgamation into the A.C.U. there was a "considerable change in the work performed in the unit." (ibid) This was characterised by a "marked decrease" in the number of casual callers seen and a "corresponding increase" in the numbers seen who were on statutory licence, or who were described as "ongoing" cases. This shift in emphasis "necessitated considerable increases of staff over the last five years." (ibid)

What the report failed to comment on, was why this change had occurred. Was it because the change of workers at the A.C.U. (the moving out of ex-N.A.D.P.A.S. workers to be replaced by I.L.P.S. probation officers who had been on a course of training)? An implication of this was that providing a "hand to mouth" service of handouts to casual callers was less professional and therefore not to be encouraged. Cook, whilst commenting that the probation service was seen by vagrants as a source of providing money, or a bed voucher, mentioned that a refusal was seen by the alcoholic as a cause of stigmatisation. He gave an example about the A.C.U. that could not have occurred under the old N.A.D.P.A.S. regime.

The officer at Borough High Street refused to give me any money because he said that I would drink it. They never give anything there- they know you'll spend it on drink. Mind you, they'll give money to a boy out of Borstal. But once you've got a name for yourself- once they know

you're an alcoholic- that's it, you're stigmatised. Everywhere they treat you the same. (Cook,1975,122)

It was Cook's experience that the probation service was viewed by many alcoholics as a source of "nothing but handout" and this was not restricted to the A.C.U..

I asked another dosser where the probation offices were? But I only managed to get two bob off them. I thought that I might get ten bob- the woman who gave it to me asked if I drank, and then tried to smell my breath. She made me sign for the money, bought five woodies, but it wasn't worth the bother. Being skint is a problem- I think that I'll give Borough High Street a try tomorrow- maybe I'll have better luck there. (ibid, 122).

### **The Professionalisation of the A.C.U.**

#### **(i) Records.**

When the unit was taken over by the London Service in 1965, it inherited a number of files maintained by N.A.D.P.A.S. and by C.A.C.A.. An original idea was for the building to house all the files of after-cases in London but this idea was rejected. The Service as a whole was investigating the possibility of setting up a Central Index, which later occurred at the Headquarters building. The Unit started its own Registry on the first of January 1965 and after five years had grown to 35,000 records. The N.A.D.P.A.S. records were seen as having "little value" and were duly "sent away for pulping". The C.A.C.A. records were kept but not incorporated into the new records, and the Royal London and the Holloway Society records were never sent for.



**(ii) Finances.**

The previous accountant from C.A.C.A. was appointed as an accountant and bookkeeper to the unit with an imprest account from the 1<sup>st</sup> of January 1965 of £1,500 provided by the Receiver of the Metropolitan Police. Having a finance officer on the premises was a resource not found in ordinary probation offices where accounting was the responsibility of the senior probation officer. The money was provided for clients and was called the befriending fund. In addition there was a voluntary donations account, a memorial fund and a sub-imprest account of £600 to enable officers to have an advance on their expenses. This represented an acknowledgement that officers at the A.C.U. incurred larger expenses than field unit colleagues, as they visited far off institutions on a regular basis.

**(iii) Clothing- W.R.V.S.**

Historically the A.C.U. had a room for second hand clothing, but this was used haphazardly, and individual officers were responsible for bringing in articles of clothing. When this room was empty, clients had been given a voucher to a second hand clothing store at the Elephant and Castle. However it was noted that vouchers had been exchanged for cash, not clothing. In 1967 the W.R.V.S. opened a large clothing store on the fourth floor which was open from 10am to 4 p.m. Monday to Friday. This had been collected by the W.R.V.S. and was cleaned and pressed at probation expense. In addition the store had a stock of new clothing that was cheap and could be paid for from the Befriending Fund (a fund available to all offenders). Clients could also be

supplied with extra items like soap, towels, razors, and alarm clocks. All clients had to be referred to the W.R.V.S. by a probation officer and a chit had to give authorisation, the W.R.V.S. did not have the discretion to provide new articles of clothing etc. This facility for new items and the provision of a W.R.V.S. store on probation premises was unique to the A.C.U. and could not be used by clients from other field offices.

**(iv) Community Service Volunteer (C.S.V.)**

In 1966 the A.C.U. obtained the services of a C.S.V. recruit, typically a school leaver who stayed for approximately a year. This post anticipated the later introduction of untrained ancillary workers into the probation service some years later. This post was used to support clients when they were vulnerable, e.g. when moving into accommodation or sorting out problems with the National Assistance Board. The role was much clearer than the later ancillary workers, which could be viewed either as an untrained helpers post, or as a source of obtaining pre-training experience.

**The Operation of the A.C.U. at the Time of Its Inception.**

Stafford stated that all the prisons in England and Wales were divided between all the probation officers, this included the senior probation officers and she had responsibility for more than one institution. These officers were responsible for all enquiries and correspondence with their institutions, there wasn't a central mechanism for monitoring individual referrals. Some institutions rarely received a probation visit, whilst Goudhurst Detention Centre in Kent had two officers and was visited weekly to see all the



homeless boys about to be discharged to the London area. Officers visited the London prisons weekly. This aspect of the probation task resembled the work of the old C.A.C.A. organisation, and the N.A.D.P.A.S. casual caller was also being catered for.

Stafford stated that a minimum of four officers were on duty each day. Although the front door was shut at 3.30 p.m., there was a duty officer available until 7 p.m. each evening. There was a Saturday morning office duty session. Clients were defined by the Service as being eligible for voluntary after-care support in the first year after discharge. Stafford defined the A.C.U. casual caller as: "people who say that they have been in prison some time between that morning and the previous 20 years, who come of their own volition with some presenting problem. (Stafford, 1968, 430 my emphasis). The numbers of clients seen reflected this liberal policy of entitlement to seek help and also what was offered to them, in practical terms. Apart from Saturdays, a minimum of 15 callers were seen in one day, the maximum was a staggering 79. The average was between 30 and 60 a day.

### **The Early Years of the A.C.U..**

The early years of the A.C.U. were characterised by striving to define the task of the work of the unit and the article by Stafford typified this. The unit closed down on Fridays between 2 and 4.30 p.m. for a staff meeting, attempting to knit the unit into a cohesive group. A vast number of papers were written on the different client groups and the perceived deficiencies in service provision. A role call of the officers that staffed the unit demonstrated that a number of them went on to run key units along the lines of the perceived deficiencies e.g. the Hostels Department, Sherborne House Day Centre etc.

On the 2<sup>nd</sup> of February 1971 one of the officers from the unit, John Croft wrote a paper entitled A new bottle from old wine, this paper commented that the traditional way of working with ex-offenders was not suitable for the "grossly deprived, rejected, under-privileged and damaged". He believed that the probation service was at the end of their sphere of influence with this client group as the offenders saw their criminality as fully justified. In order to overcome this, he proposed that with the necessary finance, a centre should be set up "where ex-offenders could be stimulated physically, emotionally, and intellectually". He wanted the client group to be involved in the planning and construction from the outset and he believed that this would not only have an appeal to the client group, but it would also appeal to the workers in the centre and it would "give meaning to the knowledge that has been accumulated at this [A.C.U.] Unit over the years and to be an inspiration to others in the service and the wider community".

Croft envisaged food, medical services, D.H.S.S., employment, and recreational facilities being available, as well as emergency hostel accommodation. The description of the "stately pleasure dome", as he described it, pre-dated the philosophy of the Day Training Centre as it would allow the ex-offender to "play and act out his fantasies in a secure, tolerant, understanding atmosphere and where his creative, intellectual and spiritual capacity can be appealed to and stimulated through developmental activities such as music art and drama...". Croft wrote a further paper dated 29th April 1971 which provided more detail of what he described as: "An intensive care unit for recidivist offenders." He envisaged a residential complex that was an extension of the



A.C.U. with a senior probation officer having responsibility for the development and use of the unit. The complex would have three main components, namely:

1. An assessment unit with probation support on the premises.
2. A self contained hostel for eight men and one emergency place.
3. A community centre with creative and workshop facilities. Further accommodation for four men who were less independent and a housekeepers flat.

In a paper dated 18<sup>th</sup> of May 1971, Hancock wrote a paper that attempted to synthesise the opinions of the "project group" that had been set up in the unit. He commented that in the notes of 30<sup>th</sup> of March 1971 the project group listed four priorities, one of which was accommodation and facilities for Borstal girls. He stated that this was being pursued adequately in other channels and focused on the need to improve residential facilities for rootless recidivists; "especially for very damaged and unmotivated clients who are presently unacceptable to all specialist hostels in London." The ethos of the hostel he envisaged that was needed, was not to be based on "success" but rather endeavoured to meet the residential needs of the client group. To this end he felt that there was one fundamental principle, that the "accommodation is set up and administered by the probation service itself. If this aim is lost we fear that we would not retain sufficient control over the facilities to enable us to fulfil the aim for which they were designed."

The project for ex-Borstal girls, referred to by Hancock, was written up in a paper dated 27<sup>th</sup> of May 1971 by Miss Bickerdike, the A.C.U. officer for homeless Borstal girls. This paper was the result of discussions between the A.P.P.O., S.P.O. and Miss

Bickerdike. It recommended that there should be in Inner London a pre-release hostel for when girls first left Bullwood Hall (secure) Borstal. This hostel was intended to provide support and "preparation for working and living in the community." (Bickerdike, 1971). The young women could then move on to a post-release hostel which was seen as having more independence, before obtaining an eventual bedsit. Thus release from borstal could be in easy stages, however the paper envisaged that: "Drug taking, refusal to work, stealing from other girls - might best be dealt with in many cases by the girl being demoted from a single room to the 'emergency room'." (ibid). The emergency room was envisaged as being of inferior standard to the single rooms and this was seen as a way of encouraging girls to find employment. The paper read many years later could be described as "parental" in outlook, with its description of the Warden who "might well be a married woman who would need to be kindly, firm and understanding...Her husband would go out to work and to some extent he would be seen as a father figure by the girls." (ibid). The paper was written at a time when female officers supervised women and men, male officers only men. The thrust of the paper was to point out the lack of provision, and to make a plea for after-care residential facilities. It made the point that the writers didn't care whether the hostel was run by either the probation service or by the voluntary sector. It envisaged probation support at liaison level, probably by a S.P.O.

The following year, in a short paper dated 2nd of June 1972 three probation officers at the A.C.U. wrote a paper entitled: "Short Term Hostel Project". This paper was an attempt to convey the feelings of the Unit as it stated that all officers opinions had been canvassed. The proposal was to set up hostel with a very short-term facility for



prisoners at the point of discharge from prison and in times of crisis i.e. for those immediately out of prison and for those most in danger of returning. The residence was envisaged for a period of not more than four weeks and should be for a maximum of ten to twelve men aged 21 upwards. Young offenders were already catered for, it commented, but there was no mention of a need for emergency accommodation for women. It was not thought necessary for this hostel to have a resident social worker, but for somebody to live on the premises to be responsible for "security, cleanliness and physical management of the house but with minimal involvement with the residents themselves...possibly an ex-offender". The above paper was at variance with another paper written at approximately the same time signed by the four seniors which although arguing in a similar way for residential/day care facilities, also stated that "this must be under the control of the Unit itself with its director/S.P.O. belonging to the A.C.U..

### **The Formation of a Hostel Run by a Probation Officer**

The concern that traditional ways of working and the usual levels of community support were not sufficient for the average After-Care Unit client was also being expressed by the main grade officers in the office. Mark Rankin in a paper dated the 16<sup>th</sup> of December 1977, described the reasons why he set up a self help organisation called SHOP, for ex-prisoners who were not acceptable in any hostels apart from the "bottom end" Salvation Army type accommodation. He commented that the "main aim is the creation of a sanctuary in which severely disturbed men and women are encouraged to support each other, with minimum interference from either a

statutory service or an external group of volunteers." It was his contention that the client group could support each other without needing to be dependant on a probation officer. When Rankin joined the A.C.U. in 1970, he wrote that he found that the probation officers had specialised in the type of institution that they visited, with an emphasis in areas like young offenders, lifers, problem drinkers who were serving comparatively short sentences etc. He had three dispersal prisons and was faced with the problem of resettling no fixed abode men who had served long sentences. Rankin described his philosophy as having main planks, namely that "prison after-care is largely meaningless unless it has been preceded by a major investment in through-care while the offender served his sentence." Secondly that he felt that "a strongly personal relationship with people in trouble was not enough."

He had a caseload of approximately 70 serving and released prisoners, and he concluded that with this number he was unable to develop relationships beyond a superficial level. He decided to link the majority of his clients with volunteers whilst they were still serving their sentence, a manageable task as he already had an active group of volunteers at his disposal (the A.C.U. was unusual in this respect). After a period of approximately two and a half years of intensive use of volunteers, Rankin discovered that he still had a number of problems, although different to his initial ones. Firstly was the problem of client dependence, clients were dependant on him even after he felt that they could cope with their problems. Secondly clients became dependant on their volunteers, and the converse of this was also likely. Rankin's caseload continued to rise into the eighties and this made the level of his involvement with clients "increasingly patchy and diluted." As the referrals came directly to him from the prison probation



departments, his attempts to establish boundaries by reducing the number of new referrals succeeded in straining his previously good relationship with the prison welfare officers. The moral pressure to accept more and more referrals was compounded by the problem that he had hard core of clients that were so difficult that volunteers did not want to become involved with them. These clients, mostly drawn from the psychiatric wing of one of his dispersal prisons, were also impossibly difficult to place as they could exhibit bizarre and dangerous forms of behaviour.

In the Spring of 1973 Rankin floated the idea to his group of volunteers of establishing a house for eight or nine people who would only be able to find Salvation Army type accomodation. The aim was to make the group mutually self supportive, although one volunteer was to live on the premises with a mandate to collect the rent, liaise with the D.H.S.S. and deal with any severe crises. Rankin was very much on his own in starting SHOP: "My paid colleagues were unwilling to become involved in such an entrepreneurial method of working, and I was unable to obtain hierarchical support. I was only too aware that I required support from somewhere...I was therefore determined to draw upon the volunteers, as the only group readily available to me, for support." He admitted to an immediate conflict with his volunteer group as they wanted a mix of a few disturbed clients to mostly reasonably stable ones, whilst Rankin wanted a predominance of disturbed clients in the house.

The first SHOP house opened in October 1973 after Rankin succeeded in raising £500 and a rent free property was obtained in North London by a volunteer from a property company. He listed the problems that followed the opening with a client group that

included a schizophrenic who believed that he was an opera singer, a chronic heroin addict, a withdrawn man who had just completed a term of fifteen years in prison. Rankin admitted that he made no attempt to involve the probation service in the house and furthermore the distance from the A.C.U. to the house meant that he was too far away "to defuse the rising level of anxiety experienced by the community leader."

The result of this was that: "the rent was rarely paid. Violence and drunkenness coupled with deep depression comprised the normal pattern of the residents' behaviour at that time. Far from providing each other with mutual support, residents had to lock their possessions away because internal thieving was common. Sexual and drug abuse was also prevalent. There was also no effective liaison with the local D.H.S.S. office, and local people became increasingly hostile towards the house."

Clearly a fraction of these problems should have been sufficient to sink the project for good. That this did not happen presumably meant that the unit at some stage recognised that SHOP filled a gap in service provision. This may not have occurred until after Rankin left the A.C.U. Although SHOP has not received official management backing above senior level, the management committee included a number of the A.C.U. staff and the four houses in SHOP in 1984 received weekly support from approximately ten A.C.U. probation and ancillary workers. In the same year a full-time project worker was employed. In 1987 two further workers were appointed. I.L.P.S. senior management investigated the level of A.C.U. input into SHOP and the result was a decision to cut back on probation officer involvement. It was a great pity that no records existed to explain why the project became a central part of the unit, but one explanation could be that the A.C.U. senior probation officers plans for hostel provision developed into



the I.L.P.S. Hostels Department, which serviced the whole of I.L.P.S. and ironically refused to accept the more 'damaged' A.C.U. type client, the inspiration for this innovation. After this, the unit as a whole had the problem that hitherto had perplexed Rankin – where to put unplaceable offenders. Rankin felt that the strains imposed by SHOP had ruined the relationship that he had enjoyed with the volunteers. By 1976 there were three houses and the chair had been taken over by a senior probation officer from one of the London prisons. The structure became more formalised and residents were given rent books. However the principle that SHOP would take residents rejected by other hostels remained, as did the commitment to have volunteers on the management committee.

It is interesting to note the number of hostels that the A.C.U. liaised with and on whom it had representatives on the management committee. After joint consultation between the A.C.U. and N.A.C.R.O., the 134 Project was set up at the Oval and this hostel traditionally received nearly all of its residents from the A.C.U. (N.A.C.R.O. was the successor to the old discharged prisoners' aid societies). In addition a probation officer from the A.C.U. was the chair of Penrose Charity hostel accommodation and this resource was largely filled by A.C.U. clients. The need for the A.C.U. to initiate and maintain extra resources over and above those available to most field units was a reflection of the different client group, i.e. the homeless and rootless, typically short term recidivist or petty persistent offender and the long term prisoner who wished to start afresh in a new area where the anonymity of London could overcome the stigma of a serious offence that may have achieved national prominence or would make resettlement in a small community impossible. In this respect the A.C.U. was therefore

a nation-wide resource.

### **The Maintenance of the Voluntary Tradition in Probation**

This theme, that the A.C.U. was different from other units in I.L.P.S. was investigated by Ms Raya Levin in a long paper written in the Autumn of 1974 entitled "The After-Care Officer". She commented that voluntary involvement with the disadvantaged was a tradition in England. She believed that the tradition bequeathed by the voluntary organisations to the probation service after the take-over of voluntary after-care in 1966 left a positive legacy, despite the condescension felt by some probation officers to the previous system of "handouts and a non-professional approach". She also saw it as significant that there was a move back to community involvement in the field of care for offenders. It was Levin's belief that the old voluntary agencies "contributed a very important tradition to the probation service mainly in the unknown areas such as the understanding of institutions and their staff, greater flexibility in dealing with and generally personnel being more readily available to the client, even though on a more superficial level....Another contribution of the Voluntary Societies was to introduce a new class of clients to probation officers who until then were concentrating on statutory supervision only..." (Levin, 1974, 1).

Whether Levin had more than anecdotal evidence of her belief that the probation service started with a condescending attitude to voluntary work is unclear. She believed that this air of condescension extended to the probation officers that worked at the A.C.U.. Certainly a management review in the North East Division of the Inner



London Probation Service in 1979 found that the attitude of officers to dealing with casual callers to field offices was a desire to get rid of the caller quickly to get back to the "real work

Levin described the "distance" between field probation officers and casual callers to probation offices as "a professional coldness". (ibid, 2). She felt that the legacy of N.A.D.P.A.S. and C.A.C.A. was still present in the A.C.U. in that the unit did not subscribe to the traditional probation values that she listed as follows:-

1. Tradition of selecting clients one feels able to help (by the preparation of an S.E.R.).
2. Tradition of using the authority of a statutory relationship.
3. Tradition that change is possible.
4. Tradition of attempting change through the examination of the psychopathology of the individual.
5. Tradition of not using material aid.
6. Tradition that tasks can be confined to a particular time scale.

Levin was adamant that the A.C.U. was not a specialist unit, in the same tradition as other units in the probation service that did not do the mainstream of work including court duty, preparation of social enquiry reports for the courts, (civil court) custody and access reports etc. Rather the concentration on resettling ex-prisoners, visiting clients in prison and seeing casual callers, forced the A.C.U. officers "to stick their necks out more - almost anything goes, because they have not got the answers."(ibid, 2).

## **The Evaluation of the After –Care Unit by the Home Office Research Unit**

If Levin saw officers arriving at the A.C.U. going through a form of "culture shock", it could be hypothesised that similar units in other probation areas had similar problems. In 1971 the Home Office Research Unit Report (9): Explorations in After-Care was published which looked at the A.C.U.'s set up in London, Liverpool, and Manchester. The report, which published the results of fieldwork undertaken in 1967, was essentially exploratory in nature, and it attempted to answer the following four points:

- "(i) What were the declared aims and objectives of the A.C.U.'s studied?
- (ii) How did after-care actually operate in them?
- (iii) Was there a gap between their declared aims and their concrete achievements?
- (iv) If so, is it possible to identify structural elements which obstructed the achievement of the declared objectives?" (H.O.R.S. (9), 1971, 1).

The research worker assigned to the London A.C.U. was an ex-member of the Royal London Discharged Prisoners Aid Society and he analysed 200 case records from the registry by looking at every tenth file "to see how far they revealed the problems of clients, and the measures adopted to deal with them. He also talked to various probation officers employed at the office, and so gained a more general perspective of the problems and tasks involved in their work." (ibid, 3). The report conceded that



the fieldwork research was undertaken in London within 18 months of the Inner London Service taking over responsibility for the A.C.U., and in Liverpool and Manchester the period was much less than a year. Manchester, unlike London and Liverpool, did not take over an already functioning unit.

The H.O.R.U. report found that there were differences between the three units, Borough High Street, London, had an older client group than the two Northern A.C.U.'S. It postulated that this might be for the following four reasons:

- (i) The London A.C.U. had a longer tradition than the other two units.
- (ii) The London A.C.U. had more "old lags" that attended on a casual caller basis.
- (iii) The London A.C.U. gave out more clothing and this might have attracted older people.
- (iv) Older people might have migrated to London.

One major difference was in the client group that the units catered for, all three units worked with single men, but in Liverpool the majority of clients were married. This could be accounted for by the fact that in London and Manchester men with homes were dealt with by other probation offices, whereas they were considered to be legitimate clients of the Liverpool A.C.U.

The H.O.R.U. report detailed the presenting problems, given by the clients post-discharge and they were as follows:

- "(i) Immediate practical needs, such as money and clothing.
- (ii) Accommodation requirements.
- (iii) Employment problems.
- (iv) Legal problems, non-payment of debts, and domestic problems.
- (v) Other problems, such as 'inadequacy', 'ill-health', 'mental illness', and 'emotional problems'." (ibid, 20).

The H.O.R.U. report commented that discharged prisoners frequently were not able to manage on their social security allowances. Although the clients were given the rhetoric that the probation service was not there to provide a subsidising 'safety net', when the social security allowance was used up, this was in fact a major task of the A.C.U.'s. Cash grants were typically given for the following items: accommodation, clothing, collection of property, fares, food, household debts, rent and tools. Vouchers were also on occasion used for accommodation, fares, clothing, food and tools. (ibid, 24).

The H.O.R.U. report devoted an entire chapter to the London A.C.U. and came up with the very depressing conclusion that "As a casework agency the unit would have liked to help its clients by concentrating effort on the underlying problems and the provision of the material means required for their treatment or amelioration, whereas in fact the treatment of basic problems was left more or less in abeyance while much effort was spent in deciding on the allocation of inadequate means for day to day ends. Insofar as his basic problems were concerned the client of after-care remained unsupported." (ibid, 42). This statement would appear to negate any benefits of the take-over of C.A.C.A. and N.A.D.P.A.S. by the Inner London Probation and After-Care Service, for if the A.C.U. was replicating the "hand to mouth feeding" syndrome of N.A.D.P.A.S. it was not maintaining the longer term through-care contact of C.A.C.A..

The H.O.R.U. report was at considerable variance with the 1970 report of the senior group which had described the changes in the unit after the take-over by I.L.P.A.C.S..



The fact that by 1970 the A.C.U. in London was increasing the number of clients on statutory after-care and decreasing the numbers of casuals that were calling at the unit would imply that the findings of the survey rapidly became out of date. After the 1971 H.O.R.U. report there was no further survey undertaken of the work of the unit by the Home Office, although the Inner London Probation Service carried out two Divisional Reviews on how through-care and after-care was being implemented by the service (The North-East area in 1979 comprised all offices in Hackney, Islington and Tower Hamlets. The South-East area in 1984 comprised Lambeth, Lewisham and Greenwich and included the A.C.U.). There was a review of through-care which looked at how the unit could be closed but did not contain a rationale for the reason why. This will be discussed in Appendix three.

## **Summary**

A number of interesting themes emerge in the above appendix. Firstly the idiosyncratic nature of probation practice and the almost complete absence of any control on how main grade probation officers worked with offenders by probation management. Officers' caseloads were not controlled either and were allowed to vary according to the work generated by the institutions. Work was a mixture of welfare considerations, traditional casework or whatever else the officer wanted to do. Seniors led 'from the front' and had responsibility for some institutions, like main grade colleagues. Their role was to offer leadership (which might be declined) and casework supervision. The A.C.U. represented a further example of trained workers taking over from the old voluntary sector, a phenomenon that had been played out in local offices in the 1930's.

What had gone on before was largely disregarded by the new probation and *after-care* service as it sought to absorb these new tasks. There appeared to be more than a hint of evangelical zeal attached to working with a client group that was not seen to appreciate the new casework methods. However the seniors had a great deal of sympathy to the clients of the unit and proposed radical new solutions including hostels and day centres. The seniors in the unit in the transition to a professionally qualified unit went on to become very influential in the probation service, Chief officers in several different areas, including Inner London and the Chief Inspector of Probation. From the ideas generated in the unit came a hostels department and the growth of day centres, including the Day Training Centre in Inner London. This could be seen as the golden era of the unit, before its stabilisation and later decline.



## **Appendix Three**

### **The A.C.U. Through the 1970's Until the Demise of the Unit**

In 1976 I.L.P.A.S. published a report 'ILPAS '76' "to commemorate the centenary of probation in London". In the period between 1963 and 1975, in the inner London area, Chief Officer grades had increased from 7 to 16, seniors from 27 to 65 and main grade from 155 to 281. In the same period numbers on probation orders had declined from 6,336 to 3,935 but those on after-care from prison (including contact with prisoners pre-release) increased from 1,233 to 4,527. It can thus be seen that work with prisoners and ex-prisoners was a larger task than work with probationers. In fact only 855 were on prison licence or parole, 504 in/released from detention centres and similarly 1,438 from Borstal. Inner London was different to the rest of England and Wales as after-care cases comprised 44% of the caseload compared to an average of 32% in England and Wales. Voluntary contact with ex-prisoners was insignificant in 1963 but grew rapidly and in 1973 1,847 or 43% of the after-care caseload were voluntary clients.

The report commented that the Day Training Centre (for adults and legislated for in the 1972 Criminal Justice Act), like Sherbourne House (for young offenders) "grew...from the idea of dealing with a man's problems – particularly his work problem – by engaging his creative potential in some purposeful and satisfying activity." (ILPS, 1976, 38) The compulsory and voluntary nature of the A.C.U. was described in detail in the report as clients were described as being on some form of licence or else voluntarily sought assistance. "In addition the staff see people who call casually without appointments. These come once or many times; they may come every day,

weekly or occasionally; they continue to come for whatever period of time they choose, from a few weeks to many years.” (ibid, 83)

The report did not shirk from the incongruity of providing aid with casework methods: “Officers trained in the idea that material aid equalled ‘do-gooding’ were forced by the experience of reality to re-think their basic assumptions and re-learn what the original missionaries knew at the turn of the century – that while each was a whole person, with an infinite variety of physical, emotional, spiritual and material needs, to the deprived person discharged from a penal institution, homeless and friendless, it is often the material need which appears most pressing.” (ibid, 84) It concluded the section on the A.C.U. with a strong statement of basic humanity: “...it is hard to see how any man can be expected to survive long without a change of underclothes, socks and shirt, a razor, soap and towel. He may not unreasonably feel...[that] no one, in prison or outside, cares enough to accept the responsibility for meeting his needs.” (ibid, 84) This feeling endured almost until the time of the SNOP document. However an ACU meeting, in the same year (1984), had begun to show a difference in opinion between newer officers and their more traditional colleagues. The client, demand led, giving of clothes and money was about to be challenged.

### **The A.C.U. at the Time of the Home Office SNOP Document**

When the author joined the A.C.U. in August 1984 it was just before the time that the SNOP document was received in the unit. There was already a move to change the way that casual callers were dealt with in the office. This was the part of the probation task



that did not provide much job satisfaction as there was a lack of continuity in client contact. Individual probation practice varied in terms of what practical (typically financial), and/or long term help was offered to casual callers. I was told by my senior that new members of the unit offered casual callers follow-up appointments but, as the demand built up from the probation officer's prisons, the work with casual callers became squeezed and was given a lower priority. In 1984 a total of 3,572 casual callers attended the office. The number of women was less than 1%, however half of these had accommodation problems.

### **Work With Casual Callers**

The ethos of the unit, as far as casual callers were concerned, had not changed from its 1966 remit, which was as part of the "circuit" for the itinerant casual caller population. Dissatisfaction with not helping callers to break from their hand to mouth existence led to a desire for change and for the unit to offer a more systematic approach. This process started with some probation officers on office duty refusing to pay out cash or give food vouchers to casual callers before they demonstrated some commitment to change from their homeless and rootless way of life. This move was resisted by some of the long serving officers but the effect was dramatic in terms of the money that was given out from the befriending fund. One practice that did continue was the giving out of second hand clothing from the WRVS store in the building. The criterion for this remained that the caller was allowed a change of clothing every six months whether or not they had been seen in the office in the intervening period. The date of their last offence was not a significant consideration.

The right to obtain clothing was therefore not assessed and remained a major casual caller task, alongside providing identification for the DHSS and requests for immediate practical assistance. The women from the WRVS who staffed the clothing store were the original group who had started off the store in the building. (In fact they never did drop out and were the only WRVS workers for the unit).

Before the author joined the A.C.U. there had recently been a review day which had formally brought these conflicts into the open. Some of the very traditional probation officers resented what they saw as a diminution of service to casual callers. The converse was that some other officers talked about casual callers as “spongers” or else a “waste of time”. The discussion also centred on what could be achieved with the itinerant casual callers, was the A.C.U. a resource to stabilise clients so that they could be encouraged to join day centre, or was it encouraging the callers to remain dependant on being given handouts? One central concern of the unit was its survival within the service, as caseloads were lower than in field units. The author was struck by the contradiction that casual callers were called “scroungers” but probation officers still worked with them carefully and sympathetically. It appeared that the language was a defence mechanism to cope with the stress of dealing with this group in a piecemeal and “one off” way.

In February 1985 there was a second review of the unit attended by all probation officers and ancillaries, as well as the A.C.P.O. This implied that at this stage, higher management “owned” what was going on in the unit. The review revealed very negative feelings towards the casual callers yet figures showed that casual callers



reported a cluster of problems, nearly 50% had accommodation problems, 45% financial problems, 40% clothing problems. The decision of the review was to bring more consistency to the work with casual callers and to specialise through-care work into petty persistent offenders serving short sentences and the longer term work with 'heavy end' offenders who generally were new to the London area. There would be one team specialising in the work with the casual callers and with short sentenced prisoners e.g. from Pentonville and other local prisons like Armley; two teams undertaking the longer term resettlement work.

### **1986: The A.C.U. After the Division into Specialisms**

After the division into the two through care teams and the committed team working with casual callers (CRT team) was achieved, the A.C.U. entered into a new phase of consolidation. The teams were conscious that they had to present what they were doing in a way that higher management would see as relevant. The homeless and rootless client received a poor/non existent service from field units as there was a general feeling of wanting to get back to the "real work. The South East Divisional review (1984) had found that field offices carried out less voluntary after care than the A.C.U. Certainly offenders receiving a custodial sentence too short to be considered for parole were unlikely to be allocated to a probation officer in a field office and longer sentenced prisoners might not be allocated contact until some time into their sentence, when parole eligibility was being considered.

Thus the A.C.U. was something of a luxury in terms of its resource allocation. It could offer regular through care support from the time of sentence, not at the time of consideration for parole. It could also offer through care to those clients who were serving sentences too short to be considered for parole. The Government Green Papers on Young Offenders and 'Punishment in the Community' argued that more resources needed to be put into work with young offenders. The implication for I.L.P.S. was that as more resources had to come from a finite source, special projects were vulnerable and the A.C.U. would have to shed labour for the task. It was hoped that the reorganisation at the end of 1986 would enable the A.C.U. to demonstrate a more efficient way of working. This ethos was not limited to mainstream work. The SHOP hostels, set up within the A.C.U. over a decade earlier, required a great deal of probation officer and probation service assistant time. These three hostels each had two A.C.U. workers visiting weekly, and an S.P.O. was the chair of the organisation. Any problems had to be resolved by the client's probation officer. Given the unstable and volatile nature of the resident population resulting from the SHOP policy of not vetting applications, there were regular problems that needed to be sorted out. On the positive side, many residents, horrific on paper, would not have been accepted anywhere else, including statutory probation hostels. The reason for this was simple, statutory hostels took clients on statutory orders, including parole, but not voluntary after care.

At the A.C.U. officers had the responsibility of resettling serious offenders, including arsonists and sex offenders. Most of these offenders were released at their expected date of release (E.D.R.) with no time on parole. Officers in the unit had the difficult task of placing these offenders or else losing them. Clients like these had no statutory duty to remain in contact with the probation service and given the nature of the client group



were unlikely to receive any time on parole. The unit had always worked with these clients on a purely voluntary basis, which did not get reflected in the official statistics. It should have been seen as both valuable to the serious offending group and to the protection of the public. The SHOP hostels thus cost the unit a great deal in terms of officer time, but this did not get reflected in the official workload figures. The unit therefore held on to high risk offenders because these offenders recognised that they were receiving something useful from the service.

In March 1986 there was a review of how SHOP was managed. From an organisation where all the tasks had been carried out by probation officers and volunteers, SHOP was due to expand and employ three workers as it took on extra properties. This additional labour force would lessen the burden on the probation service, although considerable resources were still expended to keep the organisation running. The ethos of SHOP remained the same, to accept residents that other hostels, including statutory probation ones, would not touch. The review did recommend the setting up of a 'Staff and Training Sub Committee', and a 'Development Sub Committee'. In many ways the growth of the organisation, whilst very worthwhile in terms of the accommodation provision it yielded, could be seen by higher management as a time consuming excursion into an area (hostel places), covered by the voluntary sector. Whilst this could be described as vertical integration of resources, probation management, with its concern to be seen as overtly managing all probation resources was not prepared to allow staff to diversify away from its (I.L.P.S management) main priorities. SHOP was an independent concern and not part of I.L.P.S..

## **Changes to the Work with Casual Callers**

In March 1986 the seniors in the A.C.U. approved a draft paper, which had been circulated around the unit, on what the CRT would be offering to casual callers. The main change was that the unit was to restrict the service to casual callers to mornings only, unless it was an emergency. The notion of what comprised an emergency was defined and consisted of people released that day from either prison or hospital, and were not known to the unit. Clients who were emotionally distressed or injured would be seen straight away. Immediate referrals from court or DHSS would also be seen. Clients who could have attended in the morning, but did not, would not be seen until the following morning. Clients visiting the office might be offered follow up appointments, which would be recorded in the registry book. A record would be kept on whether this was kept. These follow up interviews would be made in the afternoons, the duty officer normally taking on responsibility for the case. The records were to be formalised, requests for identification were to go on to the clients' 'c' follower as a permanent record of attendance. There was a general tightening up of financial provision: "Cash or vouchers will not be issued where these are clearly supplementary to established DHSS provision, unless the caller's record exceptionally suggests such provision, or is assessed as deemed to be appropriate in an emergency. the expectation would be, and should be followed up, that callers repay, by instalments as necessary, any such disbursements, when considered to be feasible. The ability to pay money was only seen to be appropriate in the above circumstances. It was specifically mentioned "not as a means of disposing of persistent or troublesome attenders."



The paper also signalled the end of the practice of giving second hand clothing, on a six monthly basis, to any casual caller that requested this help. The new policy became one whereby: "Issues of clothing will normally be limited to callers known to this office, or where an assessment of the caller's circumstances otherwise discretionary suggests its appropriateness." There were members of CRT who wanted the removal of the WRVS clothing store completely, it being seen as consistent with a policy of removing any vestige of creating dependency on casual callers on the unit. The demarcation line between the CRT and the through care teams was that, apart from those discharged from H.M.P. Pentonville, any caller previously known to the unit within three months of release would be referred to the through care teams. Otherwise (usually following on from a breakdown in contact), the case would become the responsibility of the CRT. On the same day in March (4<sup>th</sup> of March 1986) that the senior group agreed this paper, a member of the CRT group circulated a paper that postulated the adoption of specialist sub groups in: accommodation; addictions; psychiatric facilities/therapeutic communities; day centres, employment, training, education; welfare rights, resettlement (housing). These five sub groups would be staffed by CRT members, with through care team interested volunteers. In the event, no sharing with through care members occurred, and further to this no sharing of expertise i.e. cross fertilisation, occurred between CRT and through care members, in a formal sense, within the unit, apart from work with young offenders where the interest in the client group pre dated the move to specialising within the unit.

## **The Pressure on Staff to Move from Resettlement to Mainstream Work**

The first year of the Specialisms saw an exodus of officers from the CRT group either into other I.L.P.S. units, like specialist civil work, or out of London completely. In consequence, the CRT became staffed with officers who had not had experience of undertaking the through-care liaison work, and who were not in sympathy with this ethos. Simultaneously with these changes, I.L.P.S. published in April 1986 an “Assignment and Reassignment of Probation Officers Policy Proposal”. The gist of this was that there was a crisis in staffing certain specialist posts in I.L.P.S., namely in hostels, prisons and community service. [This] “Crisis has only been avoided by carrying vacancies and recruiting experienced officers from other Services. Because we have recruited experienced officers from other Services, there is a danger that these units become increasingly “disowned” by the rest of the Service and an unhealthy tendency towards an increased sense of separation results.” The analysis of officers’ working patterns showed that they did not stay unduly long in field posts, but they did in specialist units. I.L.P.S. management decided on a policy that new officers would start in a field unit but would have to move after three years into a specialism, like community service. The new job contract would enable management to direct officers. However for officers on old style contracts, (prior to 1986), this could not be achieved (as an officer from 1975 I had never been issued with a contract, not an uncommon experience). This policy obviously could not have a “pay off” for three years, until new officers had completed their first field post.



The paper stated: "Since the problem is with us today, it is necessary for existing probation officers of all grades to accept the principles outlined so that constructive movement can take place in the near future. Seniors and A.C.P.O.'s will be expected to discuss "Service needs with all officers...". The paper concluded that the proposals represented "a fairer, more responsible and responsive approach to the problems identified and will go some way to establishing equality of status between different specific tasks at the same time providing a more professionally co-ordinated method of appraisal and career development." As mentioned earlier, the CRT team quickly lost its long serving officers, but this did not happen within the through care teams. Other teams, other S.P.O.'s and A.C.P.O.'s, contacted individual officers trying to persuade them to leave. This was frowned upon within the service for not being a function of management, but there was no exodus out of the specialism. This was due to the fact that officers were committed to the resettlement work. Their values were out of step with the management needs to farm out experienced officers around I.L.P.S.. Thus there was a conflict between I.L.P.S. management and the A.C.U. maingrade officers, most officers in the through care teams had more years of experience than the combined years of the average field team. This again marked out the unit as being different to field teams. The long serving S.P.O. at the A.C.U. (8 years) was out of step with his field colleagues and I.L.P.S. management with the degree of client contact he had.

The three teams at the A.C.U. met monthly in a combined staff meeting where areas of common concern could be raised. This typically would be concerned with practical, rather than philosophical concerns. Thus the appropriateness of using a particular hostel would be raised or issues to do with SHOP, which was an interest across team

boundaries; rather than questions of policy on the giving of money, or the frequency that prisoners should be visited. The probation service ancillaries (P.S.A.'s) had built up a good knowledge of hostel provision and of short term emergency accommodation. One of their main tasks was to staff the duty room, to see casual callers and organise for clients to go into bed and breakfast or hostels. They also visited hostels and cemented good working contacts with them.

The A.C.U. was unique in I.L.P.S., in terms of rehousing ex offenders, in that it had its own direct allocation of ex Greater London Council (G.L.C.) flats each year for its clients. (SHOP also received some flats each year from the G.L.C.). The flats were offered by the London Area Mobility Scheme (L.A.M.S.). The responsibility for co-ordinating the L.A.M.S. places was given to a P.S.A.. The P.S.A.'s at this stage represented a further bridge between the different teams in the unit. The CRT team began to concentrate on its outreach work, seeing casual callers in the day centres, like North Lambeth. The P.S.A.'s were very involved with this changing ethos, not seeing the inhospitable first floor of the unit with its interviewing rooms as the most appropriate forum for dealing with the homeless and rootless. The through care teams were also beginning to change their working patterns and to formalise procedures.

In June 1986 SHOP advertised for its full time co-ordinator. It was agreed that this worker would be in charge of two other project workers. The close link with the A.C.U. was to be maintained as the worker would be located within the office. The worker would inherit two hostels catering for 10 residents but plans were in hand to acquire at least two further properties, including one that had recently under gone a major refurbishment. No client from the A.C.U. would have experienced such comparatively



spacious and luxurious living conditions in another hostel in London. By the August the new worker was in post and plans were in operation to set up a further house for young clients.

The unit undertook major liaison work with a number of hostels around the London area. Professor Gunn from the Institute of Psychiatry, a former consultant to the unit, had set up Effra House, and a liaison officer from the unit visited and supported the staff there on a very regular basis. Regular management committee work and/or liaison support work was extended to Penrose hostel, 134 Project, Blackfriars Settlement (Salvation Army), Bondway (emergency centre for those with severe drink problems) as well as day centres. In July there was a review and short term commitments were made to more establishments like Carrington House, Camberwell Circle Club (a residential resource) and the Tooley Street hotel, (hotel being a rather flattering term for what was on offer). The A.C.U. had a philosophy that as the client group, on paper, were difficult to sell and hostel staff were typically untrained and operating in conditions of stress, that any problems with A.C.U. residents would be resolved quickly and jointly. Many hostels and day centres recognised that the A.C.U. honoured their commitment and obligations to their clients and were prepared to take on greater risk residents. Clients were seen regularly, sadly not always practised by field probation officers, and when problems arose the unit officers would not evade their responsibility to the hostel.

## **The Senior Management View of the After- Care Unit**

Later in November 1986 a management report for the South of Thames Division of I.L.P.S. was produced. In the introduction the Deputy Chief P.O. (D.C.P.O.) started by reminding staff that the South of Thames Division had been created in September 1985. The Divisional Management had the task of implementing the Service's aims and objectives as set out in I.L.P.S.'s Statement of Local Objectives and Priorities (S.L.O.P.) written in response to the Home Office Statement of National Objectives and Priorities S.N.O.P. (1984). The S.L.O.P. document, written in 1985, was the starting point in creating a framework of divisional, borough and team Statements (cascading managerialism within the service). The (November 1986) report represented the first set of draft Borough statements and comprised A Framework for Action, Borough statements for Greenwich, Lambeth, Lewisham, Southwark, and Wandsworth (written by their A.C.P.O.'s); and a Borough statement for the A.C.U. from the A.C.P.O. who was also responsible for Southwark. The D.C.P.O. commented that the Statements "establish[ed] the basis for agendas for borough management groups for 1987." The work of each member of staff would be related to I.L.P.S.'s aims and objectives and the divisional/borough objectives and priorities. Units were to produce team statements of objectives and priorities to be submitted to the A.C.P.O. by February of each year for approval, the final version to be ready for the March.



The A.C.P.O., writing on the A.C.U., stated that he had taken over responsibility for the unit in September 1985. His starting point was the review day in October 1985, which he had attended, that had resulted in the splitting into the CRT and the through care teams. He “considered the changes to be appropriate” but continued: “I was made very aware of the traditions of the A.C.U. and, in particular, the feeling that ownership of the services was with individual officers and not I.L.P.S. or the unit management team. I was also conscious of the enormous folklore about the work of the A.C.U. and its staff which, I believe, has served to blur the effectiveness of objective or measured assessment of the overall work of the unit...For me, as A.C.P.O. responsible, it is...a question of the place of the unit and the work it undertakes in the overall provision of services by I.L.P.S.. After all, it is a heavily resourced unit, costly to run, and without an appropriate place in the organisation the likelihood is for those resources to be concentrated on clients without accountability to management.”

After commenting that the CRT team was staffed largely by “younger staff, some of whom are new to the unit”, the A.C.P.O. continued by stating that the CRT S.P.O. was “clear about the tasks of the team and as they establish their interpretation of its role questioning some of the traditional methods of work is starting to take place.” Clearly the A.C.P.O. approved of these changes which were not detailed, he also commented that the through and after care teams were also reviewing their approach to their work.

The A.C.P.O. did not hide his view of where the A.C.U. stood in terms of the management structure of I.L.P.S. as a whole: “The thrust is, therefore towards management taking responsibility for the work of the unit which, to quote a recent paper from the Seniors, “had been shaped by history and practice” rather than the needs

of the organisation.” The needs of the organisation meant the needs of the I.L.P.S., certainly not the of the client group serviced by the unit, who were the most vulnerable and isolated clients supervised by probation officers in I.L.P.S.. Finally the A.C.P.O. considered the long term of the unit, again in terms of I.L.P.S.’s needs. He quoted from the ‘Statement of Local Objectives and Priorities’ (S.L.O.P.), prepared by I.L.P.S. as a response to the 1984 Home Office ‘Statement of National Objectives and Priorities’ (S.N.O.P.):

“(i) It is essential for the Service to examine carefully the relation between through and after-care and other areas of its work.

(ii) Further work will be done to disseminate more widely the specialist skills and information available there (the A.C.U.).”

He did not mince his words when he continued: *“Both statements appear to place the A.C.U. in a position of a “wallflower” at a dance. I do not believe that the unit can wait to be picked up.* After all, it is the equivalent of three field teams and I am not sure that we can afford to neglect such a large slice of Service resources...It need[s] to be examined against the other areas of work as does the question of where the specialist unit fits into overall service provision.” The South of Thames Divisional Report generated much anger in the unit and increased the feeling of vulnerability. A clear message had been given on two fronts: management had to manage (and to be seen to manage) the priorities within the unit and in the long term the future of the unit would be decided within the context of I.L.P.S. as a whole.



## **1987: The Year of Consolidation of A.C.U. Specialisms.**

As agreed at the last review meeting that had been held on 17<sup>th</sup> December 1986, the two through-care teams started 1987 with a weekly referral/assessment meeting. The year started with the departure of one of the through-care S.P.O.'s, who had only been at the unit for less than a year. The old pattern of very long service at the unit had been broken. The new senior was instructed by senior management not to take on responsibilities within SHOP and the decision was taken that SHOP should be floated free of the A.C.U. In March 1988 the Headquarters 'Central Resources Department' were asked to undertake a 'Review of Through-Care'. Its brief was:

- a. To undertake an analysis of present through-care provision in Inner London with particular reference to the statement of Aims and Objectives and the impact of legislative changes.
- b. To complete a review of recent reports on through-care practice prepared within Inner London, including a summary of research findings
- c. To assess different models of through-care practice with an examination of resource implications.
- d. To assess the contribution which can be made to through-care work in Inner London by specialist provision.

The final report was published on the 20<sup>th</sup> of July 1988 and detailed that it had organised three full day workshops to canvass opinion, involving more than 100 staff. It had also received ten written submissions, eight of which had been from the A.C.U. The report commented that "The After-Care Unit has a proud history, and arguably,

represents one of ILPS' best examples of upholding the Services' traditional values. Its role has been to care for those offenders least attractive to society and, as clients, to officers. It has a high reputation for professionalism and it is not surprising that many of our experienced staff served an apprenticeship there...It has sought to maintain the status of through-care when, increasingly over the years, this aspect of our work has been threatened." This appeared a positive affirmation of the A.C.U. and the report commented that practice with prisoners throughout the rest of ILPS was variable "[there] is a lack of clarity about through-care objectives and the absence of clear guidelines about practice for the achievement of objectives". Work with prisoners was not focused on 'risk of future offending' in many cases contact was a 'ritual response'. The review stated that "wide variations in practice exist, and this cannot be justified when seen from the client's point of view, especially in the context of developing equality of opportunity policies for service delivery." It appeared that when an offender was known they would continue to receive a through-care service, even if they were not eligible for parole for a long time. Similar clients, not on a caseload would not get allocated.

The report did not advocate the demise of the A.C.U. but looked at the CRT and the through-care teams separately. The CRT should make its resources and knowledge available to the whole of ILPS e.g. its knowledge of hostels and accommodation in general, its work in day centres and links to rehabilitation centres. For the through-care teams the report did not make for hopeful reading. The report questioned whether homeless referrals were truly rootless. The work of the lifers group was commented upon positively but the report commented that "there is no reason in principle why such practice cannot be produced from field offices." Work with rootless offenders pre-



discharge was ignored and the report continued: “But there are of course people who are truly rootless, who genuinely want to come to London *when they leave prison with little or no previous knowledge, and who will probably come anyway*. If, on their own volition, they arrive in London *and turn up at any probation office, we feel that office should take responsibility* for assessing their need and using the information base at the After-Care Unit for deciding how to help them. They should not be referred to another office.” The A.C.U. was to remain as a referral for the rootless with one team of officers to develop a release plan, including accommodation, and then refer on to a new officer.

The report took trouble to point out to other staff that this would not involve the transfer of many cases to them. In the event the report signalled the death of the A.C.U. Staff did not like the change, voted with their feet and transferred. The last four officers took what was left of their A.C.U. caseload into field units, the CRT officers moved on into other posts also. The author spoke to the person in the service with responsibility for accommodation at this time and discovered that field units did the best they could to work with homeless and rootless offenders who called at the offices but there was no additional resources to cater for offenders new to London, they became ‘invisible’.

## **Conclusion**

One of the strengths of the A.C.U. had been co-operation between field probation officer, prison probation officer and the prison service. The Home Office Circular 130/1967 described the role of the prison probation officer as four-fold: “As a social caseworker, as a focal point of social work, as the normal channel of communication on

social problems with the outside and as planner of after-care.” The London branch of NAPO produced a report ‘Social work in prison’, in November 1968. This acknowledged that the setting might prevent effective work from taking place. There were issues around the principle of ‘less eligibility’ linked to the loss of freedom, loss of identity, the enforced impotence of the prisoner, loss of individuality, etc. work with a probation officer was special treatment or a privilege, an important concept within the prison. The prison probation officer was under pressure to give direct help, rather than to help prisoners to help themselves, a classic casework technique. This was later confirmed by Holborn (1975) in a Home Office report ‘Some male offenders problems’ which described a welfare circle where the offender, cut off from the outside world, requested help from the prison probation officer, who is perceived as the link with the outside world. The prison probation officer (often with pressure from prison officers) complies with the request for help, this satisfies most prisoners, reinforcing the popular conception of the prison probation officer as the ‘welfare’, reinforcing the prison probation officer as the link with the outside world.

In 1979 Corden, Kuipers and Wilson published After Prison: a Study of Post-Release Experiences of Discharged Prisoners. This found that few men in the study experienced good co-operation between “the relevant workers throughout their sentence and afterwards.”(73) Approximately half the sample of 107 men had not found the prison probation officer helpful. Contact with probation officers on discharge low, only 33% after allowance was made for statutory after-care. They concluded “Very isolated men may think their problems to be so overwhelming that any attempts on their part to change things seems futile.: and they would see little point in making contact with the probation service.” (ibid, 74) The seminal work in prison/probation liaison was Jepson



and Elliot Shared working between prison and probation officers (SWIP) (1985), thus the theme of the more recent prisons-probation review is not new. The concept was that within the prison there should be a splitting between 'welfare tasks' to be carried out by prison officers and 'social work' tasks by the probation officer. Although other research by the prison psychological service, had revealed a reluctance by prisoners to reveal personal information to prison officers. The SWIP experiment was encouraging in that many prisoners knew who their personal officer was and the scheme had the potential to break down some of the barriers between prisoner and prison officer. It would enhance the role of the prison officer who would be more than just a 'turnkey'.

The problem in prisons is the sheer misery and sense of hopelessness that many prisoners experience. Even if the system works well the homeless ex-prisoner faces particular difficulties. As Paylor comments:

The hidden homeless is the name given to people who are, from a common sense viewpoint, homeless but are not accepted as such under the current legislation. They have no right to, or have little chance of access to, their own secure housing of minimally adequate standard. (1995, 23)

The A.C.U. had been able to overcome many of the difficulties faced by the homeless and rootless at the time of its operation as it had negotiated with the local DHSS for benefit to take such people off the streets and into hostels and bed and breakfast. This was a powerful incentive for a person literally living in the gutter to be seen and to be given the first step towards regaining self respect. However I wrote an article in 1990 expressing concern that after the social security system changed to one whereby claimants were paid two weekly in arrears, it had become virtually impossible to find the money to resettle homeless people without resources. The system was returning to